States of the Church 173 a 1
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THE TEMPORAL GOVERNMENT OF THE POPE'S STATE.

——————" *Nothing extenuate,*
" *Nor set down aught in malice.*"

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THE

TEMPORAL GOVERNMENT

OF THE

POPISH POTENTATE.

TO THE

RIGHT HONOURABLE AND RIGHT REVEREND

FREDERICK,

EARL OF BRISTOL, BARON HERVEY OF ICKWORTH,
LORD BISHOP OF DERRY.

MY LORD,

NOTHING can be more inſtructive than hiſtory; and next to this, perhaps, the laws and conſtitutions of particular countries may prove the moſt uſeful leſſons. Either they point out to us the defects of our own ſyſtem, or confirm us in the opinion of its ſuperior excellency.

excellency. In the former caſe we can reform, and in the latter we can truly glory in the name of Britons.

The Government of the Pope's State forms a ſtriking contraſt with that of our own country; and being hitherto but little known, it is preſumed the title of this Book may excite the public curioſity. But who is to judge of the fidelity and exactneſs of the execution? and where is the traveller, who, ſacrificing his own eaſe and conveniency, will venture to ſtep out of the common roads, to explore the ſtate of agriculture and manufactures, and from ſimple, though veritable, mouths, extract the general polity of a nation?—Who, from the defects of one country, can learn to meliorate

meliorate another, and from the ſqualid effects of tyranny and oppreſſion in Italy, can, by invigorating the laws, erect a glorious altar to Liberty in the Britiſh dominions.

Such muſt be the Patron of the following ſheets, equally capable to judge, and to correct. Your Lordſhip, with infinite ſpirit and perſeverance, has viſited almoſt every part of the Pope's State, informing yourſelf minutely of every particular reſpecting its agriculture, manufactures, and polity. You have formed your opinion, not from the parade and oſtentation of the great in Rome, but from the plaintive, yet faithful, accounts of the bulk of the people. You judged from your own obſervation, and your

heart ſympathized with the unhappy. You could not avoid perceiving a ſimilarity of ſituation between them and the common people of Ireland; the ſentiment invigorated your patriotiſm; a holy zeal inflamed your affections; you aſſerted the rights of men for the brave and faithful Iriſh; you have dragged them from ſloth, from miſery, and deſpondence; and taught them the road to induſtry, to opulence, and happineſs. They were before an inactive, deforming wen: they will now become a glorious and reſplendent jewel to the Britiſh Empire. But notwithſtanding the preſent infatuated antipathy of the Iriſh to an union with Great Britain, it requires no great ſhare of penetration to foreſee the neceſſity of it to complete that happineſs,

both civil and commercial, to which they ſo laudably and ardently aſpire.

In conſideration, therefore, of your Lordſhip's perfect acquaintance with the matters treated in this Book, and in veneration of the great and patriotic exertions that have proved ſo ſerviceable to your country, it is moſt reſpectfully inſcribed to your Lordſhip, by,

My LORD,

Your moſt obedient

humble Servant,

The AUTHOR.

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THE

THE TEMPORAL GOVERNMENT OF THE POPE's STATE.

CHAP. I.

Introductory Diſcourſe.

AMONG all the political phænomena hitherto produced in the world by a ſtrange concurrence of accidental cauſes, perhaps the government we have undertaken to give ſome account of is, in many reſpects, the moſt curious, ſingular, and leaſt underſtood by other nations. Involved in maxims apparently repugnant to ſound policy, and in many particulars big with abſurdity, it has hobbled

through a conſiderable ſucceſſion of ages to its preſent period, in contradiction to the moſt general calculations of political duration. If the wiſeſt human inſtitutions carry with them the ſeeds of their own diſſolution, they are here ſo plentifully diſſeminated, that it would ſeem wonderful they have not long ago operated the moſt fatal effects.

But it muſt be remembered, that beſides the extreme veneration hitherto paid to the Sovereign of this country, on account of the ſanctity of his character, other adventitious ſupplements have been continually counteracting the lethiferous principles of its conſtitution. The immenſe ſums of money poured into Rome by other nations for ſpiritual concerns, even ſince the Proteſtant diſſenſion, have been generally ſufficient to counterpoiſe all the defects of internal œconomy, as well as the immenſe load of merchandize continually importing from foreign countries,

tries, beyond the balance of its own exports. The preſent annual amount of theſe ſums will ſurpriſe the world, and we are enabled to ſtate it with preciſion from an account with which we have been favoured by a miniſter of the Roman Datary, at 2,435,002 Roman crowns, or about 566,279*l.* Sterling. * The proportion of each reſpective country may be calculated as follows.

The two Sicilies	136,170
Sardinian Dominions	60,712
Tuſcany	3 52
The reſt of Italy excepting the Pope's State	107,067
France	357,133
Spain and her Colonies	640,845
Portugal and her Colonies	260,100
Germany and the Netherlands	486,811
Poland	180,745
Switzerland	87,034
The North	87,033
Total Roman Crowns.	2,435,002

* At the exchange of 43 *Pauls* for each pound ſterling, which is the medium. Ten *Pauls* make a Roman crown, and ten *Bajocs* make a *Paul.*

This may be conſidered as a moſt profitable branch of trade, becauſe it coſts nothing to Rome except parchment; and it will naturally occur to the reader, that if after ſo many retrenchments made upon the Roman Datary by Catholic nations, and the ſeparation of one half of Europe from her communion, it ſtill produces above half a million ſterling, the ſums formerly ſent to Rome muſt have almoſt ſet calculation at defiance. This influx of money into Rome muſt be deemed an article of trade, and not of finance, becauſe none of it has gone into the Pope's treaſury ſince the time of Sixtus V. as will be ſeen hereafter; but the whole is diſtributed among the Miniſters of the Datary, and a multifarious tribe of retainers to the law, called *Spedizionieri*, or agents, who correſpond with foreign countries, and do all the buſineſs.

This, therefore, for a long courſe of time has been the principal antidote againſt

againſt the defects and diſadvantages above hinted at; but how far the remedy will be found hereafter proportionate to the evil, will be more particularly developed in the proſecution of this work.

CHAP. II.

Of the Pope as a Temporal Sovereign.

THE hiſtories of Italian affairs, particularly thoſe of Muratori and Gianone, are ſo generally known and eſteemed, and comprehend ſo minute an account of the origin and progreſs of the Pope's aggrandizement, that it would be ſuperfluous to enter into any inveſtigation of it here. Suffice it for our preſent purpoſe, that by whatever means it was brought about, the Pope, as a temporal Prince, is at preſent univerſally acknowledged by all his ſubjects as an abſolute Sovereign, bound by no poſitive laws, but governing entirely according to his own will and pleaſure.

However, in the deciſion of all cauſes, both civil and criminal, the ordinary judges are bound to the obſervance, as

well of all municipal edicts and ordinances enacted from time to time by the reſpective Pontiffs, as of the Code of Juſtinian, the Pandects, and other antient Roman inſtitutions, where they are not contradicted by the former. But their decrees are by no means concluſive whenever the Pope thinks proper to alter, or annul them altogether, which he ſometimes does, upon the petition of one of the parties concerned, repreſenting ſome injuſtice, a particular grievance, or a miſtake of the judge in point of law.

Sometimes the Pope will avocate a particular cauſe to himſelf, *pendente lite*; and for the examination of the merits, he generally makes uſe of his own Auditor, who is the ſupreme judge of all the ſtate, ſomething like the Lord Chancellor with us. If he uſes this channel of information, the matter is generally decided according to the Auditor's vote or opinion, though the Pope is by no means

obliged to adhere to it. Neither is he bound to the obſervance of any written laws in his deciſion, but may ſupercede them by his ſupreme and abſolute authority, and determine according to equity and good conſcience, wherein, if he ſhould happen to be miſtaken, there is no remedy or appeal. His decrees are always in the form of reſcripts, which conclude with a general ſuperſeſſory clauſe, *contrariis quibuſcunque non obſtantibus*, and no tribunal can afterwards examine, or take cognizance of the matter.

He may alſo at his pleaſure alter, or annul, the edicts of his predeceſſors, and then the latter edict becomes the rule for the future deciſions of judges, who are obliged to regiſter it in their reſpective offices for that purpoſe; but no particular reſcript of the Pope can conſtitute a general rule or precedent of law, being always underſtood to be limited to the

preciſe

preciſe caſe decided by it. Neither are the judges to take notice of it in any future caſe, though exactly in point; but muſt proceed *Juris ordine ſervato.*

In criminal cauſes, the Pope ſeldom interferes, though all ſentences of condemnation muſt be reported to him by the reſpective judges, and his approbation obtained before execution. But he can alter the puniſhment, or pardon the delinquent altogether if he pleaſes; though perhaps there is no example of his aggravating the puniſhment.

In ſome extraordinary caſes, and generally where a publication of the crime might produce ſcandal, the Pope, by a private billet to the Governor of Rome, will order an individual to be arreſted, and ſent to the gallies, without mentioning the crime, and only ſaying in general terms *Cauſis nobis notis.* How this knowledge gets to the Pope, or upon what proofs he has determined, is above all inquiry.

However,

However, it muſt be confeſſed, that this does not often happen, and that the delinquent is generally known to be a perſon of flagitious character.

In all matters of taxation, duties and impoſts, the Pope is the only arbiter. He can aboliſh old taxes, and impoſe new ones whenever he pleaſes, though he is generally cautious, and perhaps conſcientious in laying new burthens upon his people. This power however ſeems to be rather modern, for though often exerciſed in matters of ſmall importance, it was never eſtabliſhed in its preſent plenitude, till the time of Sixtus V. about two hundred and thirty years ago.

Before this period, taxes were ſeldom impoſed, and as ſeldom neceſſary, for the Popes were ſufficiently ſupplied with money from other countries, from the rents of the cameral lands, and ſometimes, on an emergency, by the Senate, which, beſides the income of the eſtates belonging

to it, exacted certain taxes or tolls, by virtue of a very antient right, which does not appear to be derived from the Popes.

But Sixtus, who had already reduced the exorbitant authority of the Roman Barons, made no ſcruple of exerciſing an abſolute, uncontroulable power of taxation, which he thought neceſſary to the completion of his Sovereignty, and which perhaps the change of times pointed out to him as indiſpenſable.

The famous defection of Martin Luther had already ſeparated a conſiderable part of Europe from the Roman communion, and deprived the Pontiff of a ſenſible part of his uſual income.

Previous to this, it was ſeldom that the Pope had occaſion to recur to the purſes of his ſubjects, who being but lightly taxed, hardly formed an object worth pecuniary notice. But Sixtus, one of the greateſt men of his age, with

with his usual perspicacity, presently foresaw the fatal consequences of this defection to his treasury, and therefore resolved to supply the deficiency by a certain resource in his own subjects.

CHAP.

CHAP. III.

Of the Pope's Revenues.

THE clear annual income of the Apoſtolical Chamber, which conſtitutes all the Pope's revenues, may be eſtimated at about three millions two hundred thouſand Roman crowns, equivalent to about ſeven hundred, forty-four thouſand, one hundred and eighty-ſix pounds ſterling. This income derives from the following articles, *viz.*

1. The farming of lands belonging to the chamber.

2. The farming of certain taxes paid by the reſpective communities, or pariſhes in the ſtate.

3. The farming of the duties on wines and brandies.

4. The

4. The tax upon all butchers meat conſumed in Rome.

5. The tax upon all the wheat brought into Rome.

6. The duties upon all foreign goods imported.

7. A lottery.

It would be perfectly dry and inſipid to enter into a minute detail of what each of the above articles produces; but we ſhall make a few curſory remarks on the effects they reſpectively operate on the general polity of the ſtate.

And here it may be proper to premiſe, that all farming of taxes has been found by univerſal experience to be exceedingly oppreſſive to the ſubject, as well as detrimental to the public treaſury. The reaſons are ſo obvious as to need no particular diſcuſſion. In the Pope's ſtate it has been eſtimated by ſome able, and impartial people, that not above two-thirds

of

of the ſums really paid by the ſubjects, ever get clear into the Pope's coffers, though perhaps this calculation is much too favourable for the revenue. But we proceed to remark on

The Firſt Article, the farming of lands belonging to the Chamber: And here it muſt be noted, that the farmers generally let the lands in ſmall lots to indigent people, reſerving to themſelves a certain rent to be paid in kind, about a ſixth part of the probable produce. They lend them the ſeed corn, often of bad quality, which muſt be repaid after reaping: But as the under-tenants have ſeldom a ſtock of cattle of their own, this is alſo uſually ſupplied by the farmer, who exacts for the loan about an Engliſh quarter of wheat for every ox yearly, and ſo in proportion for other cattle. And though theſe rents and proportions vary in different provinces, yet upon the whole this may be eſteemed the medium. Hence

it

it follows, that if the harveſt proves ſcanty, which is often the caſe, the poor under-tenant is totally ruined. The article of grazing is generally reſerved to the farmer alone, who keeps to himſelf large tracts of paſture land for that purpoſe.

With reſpect to the Second Article, *viz.* the farming of certain taxes paid by the reſpective communities or pariſhes, there muſt be an evident latitude given for the farmer's profits, which of courſe muſt increaſe the proportion of each community, and be ſo far oppreſſive to individuals. An eaſy remedy might be applied to this evil, by reducing the taxes of each community in proportion to the farmer's profits, permitting them to remit to the treaſury the reſpective ſums they are taxed at, which may be done without any expence. It may be proper to obſerve, under this head of taxes paid in groſs by the reſpective communities or pariſhes,

that the fourth and fifth articles, with ſeveral others, are by the magiſtrates exacted from individuals to make up the ſum they are taxed at.

The Third Article is liable to the ſame exception; and with reſpect to the fourth and fifth, they are intolerably burthenſome to the public in general, and to the poor in particular. Butchers meat is taxed at one-third of its value; and wheat, comprehending the duty on grinding, called *il Macinato*, at nine ſhillings and ſix-pence ſterling for every quarter of eight buſhels; or fourteen-pence farthing per buſhel.

The Sixth Article, of duties on foreign commodities imported into Rome, amounts to twenty-nine *per cent.* on all drugs, ſpices, ſugars, cocoa, coffee and tea; and to nineteen and a half *per cent.* on all other commodities. The latter ſeems to have been impoſed injudiciouſly, becauſe it admits of no diſcrimi-

nation between articles of luxury and articles of neceſſity. Foreign ſalt-fiſh, for example, ſuch as tunny from Sicily, cod from Newfoundland, ſalmon, pilchards, and red-herrings from England, form the principal part of the general ſubſiſtence for full one-third part of the year, comprehending the Lent, the vigils, and all Fridays and Saturdays.

It is ſurely unwiſe to tax ſuch neceſſary and indiſpenſable articles at nineteen and a half *per cent.* becauſe there is no ſuccedaneum to ſubſtitute within the ſtate, where the lakes produce very little fiſh, and the ſea-coaſts leſs; ſo that the poor, and even middling claſs of people, cannot afford to buy it, and are therefore obliged to adopt foreign ſalt-fiſh. The conſumption of pilchards in particular, all over the Pope's State, is incredible, for the labouring country people literally eat nothing elſe but theſe and bread all the year round; they have no idea of cultivating

vating greens, potatoes, or other roots; and butchers meat they cannot afford to purchaſe.

The Seventh and laſt Article is the lottery, which is ſo very different from that we are accuſtomed to in England, that it deſerves to be explained. It is drawn nine times a year in Rome, and as often at Naples; and though they have no connection in point of intereſt, yet as in the intervals of the drawing at Rome, the Pope's ſubjects game upon the numbers of the drawing at Naples, it comes to be the ſame thing as if repeated eighteen times annually in Rome. The ſcheme is as follows. The numbers are ninety in the whole, which are put into an urn, and five only drawn. Theſe five numbers determine the lot of all the adventurers, who being admitted to game for any ſum they pleaſe, as low as a ſingle *bajoc*, (about a halfpenny) are always very numerous, and comprehend all

claſſes of people, from the higheſt nobility to the loweſt beggar. The prizes are in proportion to the ſum gamed for, and the numbers given in by the adventurers, who are allowed to play, as they call it, upon one, two, or as many numbers as they pleaſe, but muſt pay in proportion to the quantity of numbers, and the ſum they wiſh to get, which are ſpecified in the reſpective tickets. The great aim is to hit upon one or more of the five numbers to be drawn, for unleſs this happens, nothing is to be got.

The adventurers generally give in one, two, three, four, or five numbers, and declare in what manner they intend them to be combined. For example, if they play for one number only, it is called *per Eletto*, or *per Eſtratto*; if for two, it is an *Ambo*; if for three a *Terno*; if for four a *Quaterna*; and if for all five a *Cinquina*: But it muſt be noted, that if the play be for an *Ambo*, nothing is to be got

got unleſs the adventurer has had the good luck to hit upon two of the five numbers drawn; for if one of them only comes out, he gets nothing. The ſame rule holds for a *Terno*, &c. for all the numbers muſt come up to entitle him to any profit.

To convey a clearer idea of this matter, we ſhall mention ſome of the prices paid, with the correſpondent ſums the adventurers may win. For example, if one number only be given in with a view of getting one hundred crowns, the ticket will coſt the adventurer ſeven crowns and a half; and ſo in proportion if the ſum be more or leſs. This is called *per eletto*, and if it happens to be any one of the five numbers drawn, the adventurer wins.

But if he plays one number *per eſtratto*, he muſt declare in what order he intends it ſhall be drawn; that is, whether the firſt, ſecond, third, fourth, or fifth; and if it comes up in the order he has imagined, then he wins, and the ticket

coſts only one crown and a half to get one hundred crowns.

If two numbers only be given in with a view of getting an *ambo* of one hundred crowns, the ticket will coſt forty-five *bajocs*, which are not quite half a crown, for one hundred *bajocs* make one crown.

If three numbers be given as above, in order to get a *terno* of one hundred crowns, the ticket will coſt only three *bajocs* and an half.

If the numbers come up, the prizes are paid directly, with an additional *aggio* of 20 *per cent.* for an *ambo*, and 80 *per cent.* for a *terno*; ſo that inſtead of one hundred crowns for an *ambo*, the adventurer will receive one hundred and twenty, and for a *terno* of the ſame ſum one hundred and eighty.

To evince the folly of ſuch ridiculous gaming, ſuffice it to ſay, that the chances againſt getting a *terno*, are one hundred ſeventeen thouſand, four hundred and

ſeventy-

ſeventy-nine to one. Yet it is incredible with what frenzy all ranks of people are continually ſtudying the numbers of the lottery, as if there were any fixed data to calculate from; while others, eſpecially the fair ſex, are every morning communicating their dreams to each other, and combining numbers therefrom by the help of a ſilly cabaliſtical book, which they are continually poring over.

It is eaſy to conceive what dangerous conſequences muſt enſue both to the morals and purſes of the people from ſo univerſal a ſpirit of gaming, and what amazing profits it muſt produce to the pontifical treaſury.

CHAP. IV.

Of the Public Debts of the State.

POPE Clement VII. (about the year 1527,) was the firſt who borrowed money upon the credit of the revenue, and inſtituted public funds, called in Rome *Luoghi di Monte*, dividing the ſums lent him into actions, or lots, of one hundred crowns each. It was done to ſupply the preſſing neceſſities of the Emperor Charles V. at that time engaged in unjuſt, expenſive, and ruinous wars againſt the heretics in Germany, and the Turks, which the Pope conceived a cauſe worthy his protection and ſupport. The money borrowed was ſent to the Emperor, and the Pope paid the creditors an intereſt of ten *per cent.*

This compendious method of raiſing money was followed by his ſucceſſors, and the intereſt gradually lowered to ſix

per

per cent. when Sixtus V. became Pope, who wanted to reduce the Roman Barons to an abſolute dependance upon himſelf.

With this view he pretended that the Holy See was in great want of money, and got into his coffers about ten millions of crowns, increaſing the public debt, after the example of his predeceſſors, though in fact his treaſury had no occaſion for ſuch an enormous ſupply. He expended about one half of it in building aqueducts, erecting obeliſks, and other ornaments of Rome; and depoſited five millions in the caſtle of St. Angelo, to ſerve for the purchaſe of wheat for the poor, in caſe of any remarkable ſcarcity.

But at the ſame time that he impoſed ſo conſiderable a burthen upon his ſucceſſors, he wiſely inſtituted an eaſy and certain plan for extinguiſhing the whole debt, by a progreſſive repayment, without laying any new impoſts upon the people,

or

or drawing a farthing from the public treaſury.

The plan was ſingular, and deſerves to be well underſtood. The Pope has in his diſpoſal, a great number of poſts or employments, particularly in the Roman datary, which at that time, and till very lately, were extremely profitable to the occupiers. They are all during life, and Sixtus ordained, that as the occupiers dropped off, their employments ſhould for the future be ſold, at certain fixed prices, to any that would offer for them. He formed a curious table, or tariff, for this purpoſe, which was never to be exceeded, and the prices were ſo moderate, as to leave a very conſiderable profit to the purchaſers, inſomuch that within theſe few years they have brought in a clear annual income of eight *per cent.* on the money expended in the purchaſe.

Theſe employments are called *vacabili*, becauſe they are vacable, or transferable; from

from any occupier under ſixty years of age to another, though of inferior age. The ſums received from the ſales of theſe *vacabili* were to form a ſinking fund for the extinction of the public debt, which was to be paid off at certain periods, and in certain proportions, and was fully ſufficient to clear off the whole principal and intereſt in a certain courſe of years, had Sixtus's plan been regularly executed by his ſucceſſors.

But inſtead of this, though the *vacabili* have been ſold ever ſince, not a farthing has been ever paid off, and the public debts, or *Luoghi di Monte,* which at that time did not exceed twenty millions, were increaſed to fifty at the acceſſion of the preſent Pope, equal to about eleven millons, ſix hundred twenty-ſeven thouſand, nine hundred pounds ſterling.

The intereſt, however, has been gradually lowered to three *per cent.* ſo that from the Pope's revenues, ſtated in the preceding

preceding chapter, a million and a half muſt be deducted for intereſt, which reduces his clear yearly income to one million, ſeven hundred thouſand crowns; or three hundred ninety-five thouſand, three hundred forty-nine pounds ſterling.

His neceſſary expences are, however, very great; and as ſomething muſt always be allowed for new buildings, and other public works, whereof every Pope chooſes to leave ſome memorial, the annual outgoings generally exceed the income, at leaſt three hundred thouſand crowns, which muſt of courſe increaſe the public debt in the ſame proportion.

But there is another object of great importance which muſt not be omitted in treating of this ſubject, becauſe it forms as real and ſolid a debt as any other whatever, though not burthened with intereſt. This is the immenſe ſum continually circulating in bank bills, called in Rome *cedole*, which, for want of caſh, paſs current

rent

rent in all payments in every part of the ſtate.

It is impoſſible for a private perſon to give any accurate ſtatement of the real amount of all theſe *cedole*, which may be truly ſaid to be nearly equal to the ſum total of all the ready money in the country; for in fact there is no other money to be met with for any payment above ten crowns. For want of effective caſh to pay ſmall ſums, it is uſual to barter the *cedole*; for example, if a debtor is to pay five crowns, he will give the creditor a bill of thirty crowns, and receive from him one of twenty-five. Perhaps it may not be far wide of the mark to eſtimate the ſum of all the *cedole* at a million ſterling.

Before we diſmiſs this ſubject, it will be proper to give ſome account of the origin of theſe bank bills.

There are two public banks in Rome, one immediately belonging to the Government,

vernment, called *Il Monte di Pietà*, and the other *San Spirito*, belonging to the hoſpital of that name, but under the direction of the Pope and his miniſters.

Both theſe banks iſſue out *cedole*, or bills, which, as the contents of them import, always ſuppoſe a depoſit of real caſh made by the perſon to whom they are payable. But the real origin was from the *Monte di Pietà*, an excellent inſtitution for ſupplying people with money on pawns. Not only jewels, gold, and ſilver are taken as pledges, but clothes, or any other article of real value. If the ſum lent do not exceed thirty crowns, no intereſt at all is exacted; but if above this ſum, intereſt muſt be paid at the rate of only three *per cent. per annum*, when the pawn is redeemed.

At firſt, a conſiderable ſum of real caſh was given by government to the *Monte di Pietà* for this purpoſe, but when caſh became ſcarce, and ſometimes when the

borrowers themſelves deſired it, for their own conveniency, bills were given them in the form they are at preſent. But there was always ſomething in pledge to the full value at leaſt of the bill, ſo that, with reſpect to the public ſecurity, it was the ſame as if real caſh had been depoſited.

This is the true origin of theſe bills; but how they came to be increaſed ſo as to abſorb almoſt the whole money of the country, and that without any depoſit at all, as certainly is the caſe at preſent, is not ſo eaſy to account for. It is true, that the *Monte di Pietà* ſtill continues the ſame ſtile of taking in pawns, but it would be raſh to aſſert, that there is the real value of a fifth part of the whole ſum circulating in their paper.

The hoſpital of *San Spirito* is poſſeſſed of ſuch immenſe eſtates, that a bank was neceſſary, as a general depoſitory of their reſpective rents, which was the only ob-

ject

ject of its original inſtitution: but it ſoon acquired ſo high a degree of credit, that monied men were tempted to ſend their caſh to it, as a place of ſecurity. This gave riſe to the giving out bills; but they were always exchanged at the ſame bank for ready money, whenever preſented for that purpoſe.

At preſent the real effective caſh of this bank in all probability does not amount to four thouſand pounds ſterling, though their bills are for ſome millions of crowns; nor can they be exchanged for caſh, as formerly, either here or at the *Monte di Pietà*. If a bill be preſented, they take it, and immediately give the bearer ſeveral other bills making the ſame amount, and ſometimes, to complete the ſum, will add a crown or two of real money.

It may be preſumed that many of theſe bills have been from time to time given out by private orders of Government, for payment of the public works, or other

exigencies of the ſtate, and ſo of courſe no ſhadow of value could remain in the banks. It is alſo probable that many of the bills brought for payment, or exchange, were not deſtroyed, as they ought to have been, but given out again in payment.

If theſe are not the real cauſes of the preſent exorbitant quantity of paper money, without any correſpondent caſh, or value in depoſit, it will be difficult to aſſign any other. The fact, however, is beyond diſpute, and here the matter muſt reſt, till the ſecret be better explained.

The preſent Pope Pius VI. (John Angelo Braſchi) muſt have added ſome millions to the public debt, bearing intereſt, by his extravagant, unprofitable, and unneceſſary ſchemes. His attempt to drain the Pontine marſhes has already coſt at leaſt a million; and though this be the moſt plauſible of all his projects, yet, upon a cloſe examination, it will be found

to proceed rather from bloated ambition, than from ſolid and manly reaſoning. There is not a ſufficient declivity to carry off the water, ſo that, after ten years labour, not near ſo much land has been recovered, as there was in the time of Auguſtus; and the air is ſo far from being meliorated, that it is become more peſtiferous than ever.

Beſides, there is more good land in the Pope's ſtate than the preſent number of inhabitants (not exceeding two millions, two hundred thouſand) can ever cultivate; and if one half of the money had been employed in the encouragement of agriculture, and peopling the country, it would have produced the moſt ſalutary effects.

The only good that has reſulted from this ridiculous and expenſive enterprize, is the recovery of the Appian Way, which was impracticable for many ages; but this might have been obtained at a tenth part of the expence.

Another

Another million has been ſquandered in building a new ſacriſty to St. Peter's Church, which was by no means neceſſary, and abſolutely diſhonours it.

The venerable temple of Venus, which the divine Michael Angelo thought it ſacrilege to touch, has been totally demoliſhed, to make room for this fantaſtical gewgaw. The new edifice has been ſeverely ſatyrized by the Roman wits, but there is one diſtich which deſerves to be kept from oblivion. The Pope cauſed the following inſcription to be engraved in marble, near the entrance of the new ſacriſty.

Quod ad Templi Vaticani Ornamentum publica Vota flagitabant, Pius VI. Pont. Max. fecit, perfecitque Anno, &c.

The following diſtich was ſoon after found under it.

Publica!—Mentiris! Non publica Vota fuere,
Sed tumidi Ingenii Vota fuere tui.

It would be endleſs to recount all the projects of this ambitious Pontiff, who carefully puts his arms in marble upon every building, whether new, or only repaired; and the expence of this piece of vanity is eſtimated at two hundred thouſand crowns.

CHAP.

CHAP. V.

Of the Pope's Miniſters and Magiſtrates in general.

BEFORE we enter upon any further diſcuſſion of the Pope's government, it will be proper to explain from what claſs of people almoſt all his miniſters and magiſtrates are choſen. This being an eccleſiaſtical government, it will not be ſurpriſing to find that none but prelates are admitted to any ſhare of power, either political, civil, or criminal. In ſhort, all places of importance, or profit, are always occupied by them.

But we are not to underſtand that all theſe prelates are biſhops, as the term would ſeem to imply. On the contrary, moſt of them are mere laymen, (excepting the tonſure) though they all wear the prelatical habit. Whether this be an

abuſe, it is not our buſineſs to inquire; but as the number employed in Rome, and other parts of the ſtate, amounts to near three hundred, it may be incumbent upon us to explain both their origin and preſent conſtitution.

In the time of the cruſades, undertaken for the recovery of what was called the Holy Land, it was thought neceſſary to revive many of the ancient biſhoprics in thoſe parts, ſo that, together with the reſpective armaments, were diſpatched from Rome biſhops already conſecrated, and entitled, of Jeruſalem, Antioch, Cappadocia, Epheſus, &c. It is well known, that thoſe expeditions proved fruitleſs, and ſo the biſhops returned to Rome, but always retained their reſpective titles, though without any emolument annexed to them.

To ſupply this material deficiency, they were employed in the Pope's miniſtry, and lived upon the profits of their places.

To

To this day all thoſe titles are kept up, and their poſſeſſor actually conſecrated as biſhops in *partibus infidelium*; but inſtead of being employed in Rome, they are generally ſent abroad as nuncios to foreign courts, where the epiſcopal character is neceſſary, on account of many eccleſiaſtical functions they have to perform.

This gave riſe to the preſent tribe of prelates, who are generally gentlemen of good families and tolerable fortune. It was thought decent that certain offices ſhould be filled with perſons of ſome eccleſiaſtical dignity; and as no more titles remained to diſpoſe of, the Pope, by his briefs, began to give the rank of prelates, (but without any ordination or conſecration) to the major part of his miniſters and magiſtrates.

At preſent, any unmarried man may obtain this dignity, by depoſiting ſo many actions or *Luoghi di Monte*, the intereſt whereof will bring him in twelve hundred

crowns *per annum*, equal to two hundred ſeventy-nine pounds ſterling; or by charging any ſufficient eſtates with the payment of about this yearly income.

Many of the noble families in Italy have a prelacy charged upon their eſtates by their anceſtors, that in caſe of a plurality of male iſſue, one of the younger branches may become a prelate if he pleaſes; and then the eldeſt brother is obliged to pay him his annual ſtipend as above.

But the Pope may, and often does, confer this dignity on perſons he thinks proper to employ, without any ſuch ſecurity for a yearly income, which he generally renders unneceſſary, by promoting them to places or prebends perhaps more than equivalent.

From this claſs of prelates, and from the nuncios, the Pope generally chooſes his cardinals, and indeed, ſeveral of the employments which he confers on them muſt

muſt of neceſſity conduct them in time to this dignity, for it is the ſtile of the court never to remove them without advancing them to the purple. Theſe are called *Poſti Cardinalizij*, and conſiſt of the office of governor of Rome, treaſurer, major-domo, ſecretary of the conſulta, auditor of the chamber, preſident of Urbino, and ſeveral others. Theſe are all ſure of becoming cardinals, or keeping their places during life, but with this exception, that ſometimes, though very ſeldom, the Pope will remove them from one of theſe poſts to another, but never to any of inferior rank.

Theſe are the perſons, that, under the Pope, govern all the eccleſiaſtical ſtate, excepting the three cardinal legates, and a few other cardinals, who preſide over ſome particular congregation, which will be mentioned under the proper titles. Theſe prelates are of all nations, though generally Italians. They are uſually educated

cated in ſome of the Roman colleges, where they ſeldom learn any thing except Latin, and the civil law, ſo that they are called to fill places, both in the miniſtry and magiſtracy, at the age of twenty-four, and ſometimes under, without any other ſpice of human learning. They are frequently deficient even in the two articles above-mentioned, but as to the hiſtory, or ſtate of other nations, geography, arithmetic, trade, or the arts of political, or œconomical government, they are generally as ignorant as of the Alcoran.

Thus are they launched into a ſea of buſineſs and judicature, without any of the neceſſary documents. Their time becomes ſo occupied, that little or none can be ſet apart for improvement, ſo that very few ever overcome the defects of their education. The figure they make in their reſpective employments, is generally ſuch as may be naturally expected from ſo hopeful

hopeful a beginning. Indeed, the major part of them ſuffer every thing to be managed by an auditor, who is always an attorney, and often of the needy ſort, who, excepting a few years of experience, and a ſmattering of practical law, is generally as unfit, and as ignorant as themſelves. Both the auditor and his maſter often jog on to the end of the chapter, totally unacquainted with the great and leading principles of politics, œconomy, or juriſprudence.

Animated with the ſtricteſt impartiality, and aiming as much as poſſible at preciſion, in a work calculated merely for the information and amuſement of our countrymen, we could not avoid giving this faithful deſcription of the men who govern the Pope's ſtate. The ſame principles, however, lead us to confeſs, (though our ſtile of expreſſion has already excluded univerſality) that there are ſome exceptions. There are ſome few

few prelates remarkable for ſolid learning, ſound judgment, and deep penetration; very few poſſeſſing a tolerable knowledge of the world, and not one, who, in any other country, would be deemed a man of buſineſs.

CHAP.

CHAP. VI.

General Plan of the Pope's Government.

BY previouſly conveying a general idea of the ſyſtem we mean to analyze, the particular branches will become more clear and intelligible. We have already delivered a deſcription of the ſovereign power, of the revenues, debts, miniſters and magiſtrates, which naturally leads us to the operation of theſe reſpective heads in the general plan of government.

Though we have defined the Sovereign as inveſted with abſolute, uncontroulable power, whenever he thinks proper to exert it, yet the reſpective departments acting under him are guided by certain rules and maxims, from which they ſeldom deviate without an order from the ſupreme head.

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One remarkable circumſtance diſtinguiſhes the miniſters of this country from thoſe of any other nation; for though their offices imply nothing more than political or œconomical management, yet they are all magiſtrates and judges, armed with authority to hear and determine all matters that happen within their reſpective juriſdiction. For this purpoſe, every one has his tribunal, and keeps an auditor, whoſe buſineſs is to hear the parties conteſting, read their pleadings, and report the whole in a ſummary, which he draws up for the information of his principal. Sometimes the Prelate himſelf hears the matter diſputed by the lawyers, which is called the Audience of Information, and is generally attended with violent geſticulation, much noiſe, and little decorum.

But their juridical authority is not limited to cauſes ariſing between private individuals, ſubject, in certain matters, to

to their particular juriſdiction. The more extraordinary point is, that they are judges alſo of their own proceedings; inſomuch that if, in the exerciſe of their miniſterial authority, they ſhould exceed the bounds of juſtice, to the oppreſſion or hardſhip of any individual, there is no immediate remedy, but by inſtituting a law-ſuit againſt the name of the tribunal over which the miniſter preſides, and he himſelf, who has been the cauſe of the grievance, is the ſole judge to determine whether he has done right or wrong.

This is what they call their *Giuriſdizione privativa*, or excluſive juriſdiction. It muſt be owing to ſome extraordinary inſpiration if the judge ever determines againſt his own proceedings; yet there is no remedy but waiting his deciſion with patience, ſometimes a year, or two, and then appealing to another tribunal, whereof the ſame judge is always a com-

ponent member, and all his colleagues juſt in the ſame ſituation with himſelf, that is, miniſters and judges in their reſpective departments.

To thoſe who have the leaſt inſight into the conſtitution of human nature, it is unneceſſary to point out the general conſequence of ſuch appeals; and though there may be ſome few examples of deciſions in favour of the complainant, yet whether the general intereſt of the whole body, to ſupport every individual member in whatever he ſhall pleaſe to do in his particular department, may not reaſonably be ſuppoſed to influence their determination, we leave to the candour and conſcience of the intelligent reader.

The deciſion of this compound tribunal is abſolutely final, unleſs, upon petition, the ſame judges ſhould admit of a rehearing before themſelves. No farther appeal or recourſe can be had to any other tribunal, and there is no remedy but

but applying by memorial to the Pope himſelf, who, except in ſome favourite matter, ſeldom chooſes to interfere.

When we ſaid above, that the reſpective departments, acting under the Pope, are guided by certain rules, or maxims, from which they ſeldom deviate, we meant rather with reſpect to forms than to poſitive written laws. The ſources of the laws in general we mentioned in the ſecond chapter; but whereas, all together (eſpecially thoſe of the ancients) compoſe rather a ſyſtem of juriſprudence, than provide for particular caſes, it uſually happens, that the determination of the judges, even of thoſe who are tolerably verſed in them, and wiſh to do impartial juſtice, are often fanciful deductions, or inferences, rather than the voice of poſitive law, or ſubſtantial juſtice.

The opinions of the ableſt advocates are liable to the ſame difficulty; and hence ariſe whole armies of litigants,

who, with the moſt virulent acrimony, are continually diſputing the plaineſt caſes of common right and natural juſtice. There are more law-ſuits generally depending in the Pope's State, than perhaps in half the reſt of Europe. The number of retainers to the law, in Rome only, amounts to twelve thouſand, while all the inhabitants do not ſurpaſs one hundred and ſixty thouſand, ſo that the former compoſe above a thirteenth part of the whole population of this famous city.

Although the miniſters and magiſtrates of Rome have, in many inſtances, a ſupreme juriſdiction over the whole ſtate, yet the reſpective provinces have alſo their immediate magiſtrates, who, in the firſt inſtance, have authority to hear and determine all caſes, except capital crimes.

The three provinces of Bologna, Ferrara, and Romagna, or Ravenna, are called the three Legations, becauſe they

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are each governed by a Cardinal, called a Legate *à Latere*, deputed by the Pope for three years only.

The authority of theſe legates is very great, and approaches the neareſt to that of the Sovereign Pontiff, though in ſeveral points their commands and deciſions muſt be confirmed, before execution, by the Pope, or the ſupreme tribunals of Rome. They cannot cauſe any ſentence of death, exile, or condemnation to the galleys to be executed, till approved by the *Sagra Conſulta* of Rome, whoſe authority will be treated of in the following chapter. Neither can they grant leave for the exportation from their reſpective provinces of any wheat, or other grain, pulſe, or cattle, without the previous approbation either of the Pope himſelf, or of the miniſters preſiding over theſe reſpective departments in Rome. Even after their determination of civil cauſes, the party that conceives himſelf

aggrieved may cite his opponent before the tribunal, called the *Segnatura di Giuſtizia*, in Rome, who, upon hearing the reaſons alleged, may decree an appeal to ſome other tribunal: but the deciſion of the legate will in the mean time be executed, though ſubject to be afterwards reverſed. Theſe legates have under them prelates, called vice-legates, and governors of places, who are ſubordinate to them, as other governors in other parts of the State are to Rome.

Next in dignity to the above three legations is the dukedom of Urbino, where the Pope always ſends a prelate as governor, who is called the Preſident of Urbino, and has nearly the ſame authority with the legates, but remains in office during the Pope's pleaſure.

Abſtracted from theſe four provinces, all the reſt of the Pope's State is immediately governed in the following manner. Over every place that has the name

of

of a city there preſides a prelate, ſent from Rome with the title of Governor, appointed by the Pope during pleaſure. His authority is in many reſpects inferior to that of the legates; for he can paſs no ſentence of death, exile, or the galleys. He can only cauſe offenders to be impriſoned, take their examinations, with the depoſitions of witneſſes, in writing, and tranſmit the whole to the *Sagra Conſulta*, who, after deciding upon the matter, remand their ſentence to the governor for execution.

In civil cauſes of any conſequence, his authority is very limited; for though he may take cognizance of, and even determine them, yet either of the parties may avoke the matter to the proper tribunal of Rome. If before judgment, by merely ſerving the opponent with a formal printed citation, upon which the governor's authority immediately ceaſes, and the cauſe begins *de novo* in Rome, as if it had never

been brought before him. If after judgment, the party recurring to Rome muſt get a tranſcript of all the pleadings, and, with the determination of the governor, tranſmit it to the proper judge, ſo that in this caſe it is brought before him as an appeal. The execution of the governor's decree muſt be ſuſpended till ſuch appeal be determined.

In matters of ſmall importance, and ſuch as relate to the immediate government or police of the city, the governor's power is more poſitive and deciſive. The good order and cleanlineſs of the public ſtreets and roads, the wholeſomeneſs of butchers meat, fiſh, bread, wine, weights and meaſures, aſſaults, and even public decorum, are all under his immediate controul, and he can puniſh offenders by fine or impriſonment. And though an appeal in all theſe caſes may be had to the ſupreme tribunals of Rome, yet, pending the appeal, the governor's decrees have

their full execution, and muſt be ſubmitted to. It is alſo uſual, in all caſes of appeal on ſuch matters, for the judges of Rome to write to the governor, for his information, before they come to any deciſion.

In places that have not the title of cities there are two other kinds of governors, that have not the rank of prelates, and may be married men. They muſt be doctors of law, but not ſuch as we underſtand by this venerable title, for it may be purchaſed of the univerſity of Rome for about three guineas.

Thoſe of the larger towns are called Governors by brief, becauſe they are appointed by the Pope's brief; and thoſe of the leſſer towns and villages are denominated Commiſſaries, and appointed by patent from the ſecretary of ſtate, as preſident of the *Sagra Conſulta*, renewable every ſix months.

The authority of all theſe governors is much the ſame with that of the prelates, but with this difference, that the commiſſaries are dependent upon, and muſt refer all matters of importance to, the prelate-governor of the city within whoſe diſtrict they reſide; and from him they are communicated to the proper tribunals in Rome: whereas, all the prelates and governors by brief are immediately dependent on the *Sagra Conſulta*, and other ſupreme tribunals, to whom they directly communicate all matters of importance, not comprehended in their ordinary faculties, as above related.

All governors, of whatever denomination, are preſidents of the reſpective communities within their juriſdictions, who cannot call a council to deliberate on any matter appertaining to themſelves without his conſent, nor act without his preſence when aſſembled. He has alſo two votes in ſuch councils; but

but what theſe communities are, and the rules by which they are regulated, will be explained when we come to treat of the congregation called *Del Buon Governo*.

Every governor has ſubordinate to him proper officers for the execution of juſtice, the head or chief of whom is called the *Bargello*, and all the reſt *Sbirri*. The former may be compared to our headboroughs, and the latter to our conſtables or tythingmen. The *Bargello* is appointed by the *Sagra Conſulta* by patent, renewable every ſix months, and the *Sbirri* by the reſpective governors, removeable at their pleaſure. The *Sbirri* are always deemed infamous, and are generally the moſt profligate wretches, the outcaſts of ſociety.

To avoid unneceſſary criticiſm, it may be proper to obſerve, before we quit this chapter, that though we have laid it down as a general rule, that to every city there is appointed a prelate for governor, and

and to every other place a mere ſecular doctor of law, yet there are ſome few exceptions. For example, Acquapendente is a city and biſhopric, and yet the governor has the title of commiſſary only, and is deputed by the *Sagra Conſulta*.

On the contrary, Froſinone is no biſhopric, and but a ſmall, inconſiderable place, yet, as head of the province called Marittema and Campagna, it is governed by a prelate, being one of the moſt profitable governments of the ſtate, worth at leaſt one thouſand pounds yearly to the governor.

All theſe governors coſt the Pope nothing, though in general they receive annually enough to ſupport them with decency; and ſome even get rich. Their income proceeds from a certain yearly ſtipend, uſually paid by the communities over which they preſide, and from the fees of office, which they exact on all

matters

matters brought before them. The commiſſaries in general have no ſtipend, and live upon what they can get from fees of office, which they often exact with ſufficient rapacity.

CHAP.

CHAP. VII.

Of the Sagra Conſulta, its Juriſdiction, Puniſhments, and Rules of Quarantine.

THE authority of this tribunal is entirely judicial, and ſupreme over the whole Eccleſiaſtical State, excepting only the city of Rome. It is a congregation compoſed of the cardinal ſecretary of ſtate, as preſident, one prelate, as ſecretary, and eight called *Ponenti*, who have all an equal vote in all matters brought before them.

The whole ſtate is divided into eight large diſtricts, for each of which, one of the above eight prelates is called the *ponente*. There are alſo ſeveral cardinals, who, by appointment of the Pope, have a right to come and give their votes, if they pleaſe, in every congregation, which is held

held twice a week throughout the whole year; but they ſeldom or never appear there. It is entirely a criminal tribunal, and cannot interfere in civil cauſes; neither can it take cognizance of crimes committed by any but mere laymen; for if the delinquent have any, even of the minor orders, or only the tonſure, conferred on him, he muſt be judged by another tribunal, called *Dell' Immunità.*

The method of proceeding is as follows. The *ponente* of the diſtrict, where an offence is committed, is the firſt to take cognizance of it, either immediately by his own authority, upon complaint made to him, or from the report of the governor of the place, as it may happen to fall out. Or, if application be firſt made to the ſecretary, as it often happens, he immediately turns it over to the proper *ponente*, whoſe buſineſs it is to examine into the matter, and report to the congregation, who deliberate thereon, and then,

according

according to a plurality of votes, determine what further ſteps are to be taken to come at a complete inveſtigation. The *ponente* is then charged with the due execution, and after having completed his inquiry, and conſidered alſo the written examinations, and defence of the perſon accuſed, he reports the whole to the next congregation, where the matter is debated, and the innocence or guilt, together with the puniſhment they think proper to inflict in the latter caſe, are finally determined.

It then belongs to the ſecretary to report the whole in a ſummary way to the Pope, and take his orders upon it, which, whether confirming, or altering, the reſolution of the congregation, muſt be executed by an order, ſigned by the ſecretary of ſtate, as preſident, and counterſigned by the ſecretary prelate. But if any alteration be made by the Pope, or if he ſhould pardon the delinquent, in either

either of theſe caſes the ſecretary muſt report it to the next congregation, and regiſter it in the book of proceedings before execution.

No particular day is fixed, as with us, for the trial of offenders, but the whole inveſtigation is carried on in a ſlow, ſecret manner, and generally takes up a long time, frequently two years, and ſometimes more; during all which time the accuſed perſon lingers in a loathſome jail, fed on nothing but bread and water, unleſs his own finances can afford better nouriſhment.

The depoſitions of the witneſſes againſt the accuſed are taken in writing, in a private room, by a notary public, and authenticated by him, without being ſigned by the witneſſes themſelves, who are not even permitted to read over what has been taken down as their own depoſitions. They are, however, read over to them by the notary, who is generally a poor, miſerable,

miſerable, unfeeling wretch, aſſiſted by an attorney, deputed by the judge, called upon this occaſion *Il Giudice próceſſante*, or proſecuting judge, equally inhuman, low, and illiterate with the notary; and both are held in ſuch deteſtation, that no gentlemen would chooſe to be ſeen in their company.

Beſides the danger of the notary's omitting ſome material circumſtance, or aggravating, or alleviating the ſenſe of the depoſitions, by the connivance of the proſecuting judge, (for there is always a good underſtanding between them,) it ſometimes happens, that the notary does not read over to the witneſſes exactly what he has written down, for ſome private view, either of acquitting, or condemning the accuſed perſon. It alſo often happens, that on reading over a depoſition, the witneſs will object to ſome particular expreſſion, which he never intended to make uſe of; but it is ſeldom the notary will conde-

ſeend to alter it, and ſo it remains without remedy.

The witneſſes are all examined ſeparately, and never hear each other's depoſition. Nor are they ever confronted with the perſon accuſed, who remains a long while ignorant of what has been depoſed againſt him; neither is it permitted him, or any perſon on his behalf, to croſs-examine the witneſſes. But after all the depoſitions of the witneſſes againſt him are finiſhed, he is conducted before the ſame worſhipful notary, and proſecuting judge, who interrogate him as much, and as often as they pleaſe; and the notary writes down both the queſtions and anſwers, or at leaſt ought to do ſo, exactly.

In capital crimes that are puniſhed with death, if the accuſed perſon refuſes to confeſs the fact poſitively ſworn to by the witneſſes, he is put to the torture, which at firſt is rather light,

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but increaſed by degrees, till brought to the moſt excruciating torment, unleſs he confeſſes. As ſoon as he has confeſſed the fact charged upon him, he is releaſed from the torture, and muſt then repeat and confirm his confeſſion, which, if he refuſes to do, or endeavours to couch it under evaſive terms, he is again put to the torture, and ſo on, *toties quoties*, for ſeveral days together. But, if after all, he has ſtrength and reſolution enough to undergo theſe torments without confeſſion, he cannot be condemned to death, though the crime be ever ſo clearly proved.

However, when the proofs are ſo poſitive as to admit of no doubt of his guilt, he is condemned generally to the galleys for life. If the evidence amounts only to violent preſumption, then he may be ſent to the galleys for five, ſeven, or ten years, at the diſcretion of the tribunal which is to judge him; and if otherwiſe, he is acquitted.

After

After the priſoner has undergone his examination, he may call what witneſſes he pleaſes in his defence, and they are examined in the ſame manner as the witneſſes againſt him; but cannot be interrogated by him, or in his preſence, nor by any perſon in his behalf, nor croſs-examined by the proſecutor, but only by the notary and proſecuting judge.

But before the reſult of all this can be referred to the tribunal who is to judge the priſoner, it muſt be communicated to a lawyer, called the advocate of the poor, who has a ſalary from government, and is obliged to write in his defence. He may alſo get acceſs to the priſoner, to inform him of any favourable circumſtances; but as he is not permitted to croſs-examine any of the witneſſes, or call others, his writing can contain nothing but obſervations upon what has been already depoſed, and arguments deduced in favour of his client. There is

alſo a fiſcal advocate, who may anſwer this writing, if he pleaſes, by another, to ſupport the proſecution. If the priſoner has money, he may employ any other advocate to write in his defence.

The puniſhment of death is executed in three different ways. If the criminal be a perſon of ſome rank, above the ordinary claſs, he may be beheaded. This is done by making him ſit aſtride on a bench, and lay his neck upon the block, which is fixed in a kind of narrow gallows, about two feet wide. In the middle of the croſs-tree of the gallows is fixed a hook, from which hangs, ſuſpended by a cord, a very large knife, or rather cleaver, called the *manaia*, fixed to an enormous piece of lead, generally weighing about three hundred pounds. This lead is incloſed in a wooden caſe, made exactly of the breadth of the gallows, and contrived to run in two grooves, cut into the lateral timbers, or uprights, of the

the gallows, ſo that it cannot fall out of the proper direction. The cleaver appears about ſix inches broad below this wooden caſe, and when the criminal gives the ſignal, one of the executioners holds his head between his two hands, and another, who ſtands on the oppoſite ſide of the gallows, where the body lies reclining on the bench, immediately draws out a cutlaſs, and, with one ſtroke, cuts the cord that ſuſpends the *manaia*, or cleaver, which, falling directly with great velocity, never fails to ſeparate the head from the body. The executioner who held the head between his hands, immediately lifts it up to the ſpectators, while the other holds the body firm upon the bench till all motion ceaſes. The ancient method of beheading in Scotland, called the maiden, was perhaps ſomething ſimilar to this.

The ſecond kind of puniſhment is more ſhocking, and reſerved for the moſt

atrocious offenders. It is called the *mazzuola*, from a large club charged with lead, which the executioner holds in his hands. The criminal is brought upon a ſcaffold, erected on one ſide of the gallows, where he kneels down blindfolded, and the executioner, ſtanding behind him, and lifting up his club with both hands, ſtrikes him with all his might on one ſide of the head, which ſeldom fails to knock his brains out. The body of courſe falls on the oppoſite ſide, and then the executioner draws out of his ſide-pocket a large caſe-knife, and immediately cuts his throat from ear to ear. He then proceeds more deliberately to cut off the head with a ſmall axe, and then the arms and legs. The head he places upon the top of the gallows, and with four cords, with ſlip-knots, hangs up the four members, the hands and feet uppermoſt, on each ſide of the head. The trunk is placed in the middle of the ſcaffold, and all this ſhock-

ing exhibition remains from morning till night, as a warning and terror to others.

The third and laſt kind of puniſhment is hanging, pretty much as practiſed with us: but it remains in the breaſt of the *Sagra Conſulta*, to order which of the three ſhall be adopted in any particular caſe before them, ſubject only to the arbitration of the Pope, as already related.

But there are two claſſes of people exempt from capital puniſhment, in all caſes whatever, as well as from the torture, *viz.* prieſts, and women. The former can only be ſent to a place of perpetual confinement, called the *Ergaſtro* or *Ergaſtolo*, from the latin word *Ergaſtulum*, a kind of houſe of correction. In this place they are not obliged to work, or do any thing elſe, except hearing maſs once a day, and reading their breviary if they pleaſe. They have a ſcanty maintenance allowed them by the Pope, and are under the care

and direction of the eldeſt prelate of the clerks, or *cherici* of the apoſtolical chamber, and are generally, though not always, condemned for life.

The women, however atrocious their crimes, can only be condemned to a common work-houſe, which in Rome is that of St. Michael, where they are obliged to work in ſpinning wool, and weaving coarſe woollen cloths, much inferior to the worſt of our druggets. We acknowlege there is no poſitive law for excepting prieſts and women from capital puniſhment and torture; but it is become ſo cuſtomary, and ſo univerſally practiſed, that it would be a difficult matter to produce any example to the contrary, at leaſt during this century. Prior to this period, we know there are ſeveral examples to be found in hiſtory.

We have hinted, in the preceding chapter, that the *Sagra Conſulta* nominates all the governors who have only the title of commiſſaries,

commiſſaries, as well as all the *bargelli* throughout the ſtate. This branch of buſineſs, together with all neceſſary orders, to be tranſmitted to the reſpective governors, whether prelates or others, is always tranſacted by the prelate-ſecretary of this tribunal, who is the mouth or channel, by which the ſenſe of the congregation is made known; and though the patents and letters are always ſigned by the cardinal-ſecretary of ſtate, yet this is a mere formality, for he ſeldom or never reads them, and they are all drawn up under the direction of, and firſt counter-ſigned by, the prelate-ſecretary.

The laſt article of juriſdiction is the ſuperintendance exerciſed by this tribunal over all matters relating to the health-office, in the reſpective ports of the Pope's ſtate. We have nothing preciſely like it in England, for though we have ſome regulations with reſpect to the performance of quarantine, by veſſels arriving from the

the Mediterranean, or other parts, from whence there may be any ſuſpicion of the plague being brought, yet the management is ſuch as rather ſerves to lay an unneceſſary burthen on trade, than to produce any ſolid and ſalutary effect.

It is well known, that we have neither proper health-offices, for examining the maſter and crews of veſſels on their firſt arrival, or lazzarettos for airing ſuſpected goods. The maſter and crew are generally kept on board their veſſels for a few days only, and then ſuffered to come on ſhore, and go wherever they pleaſe; while the goods they import, called enumerated goods, are ſhifted on board a hulk, by way of lazzaretto, to be aired for forty days before they can be landed, or admitted to free prattique. It is alſo notorious, that on board the ſame hulk are already other goods, which perhaps have lain there for upwards of thirty days, and of courſe muſt be admitted to prattique in a few

a few days after; while thoſe laſt arrived, though on board the ſame hulk, muſt remain there the full time of quarantine; and before this be expired, other new enumerated goods are put on board.

The abſurdity of this practice is evident. Either there is, or there is not, a proper foundation for ſuſpecting the plague to be on board. If there is, it is clear that the infectious malignity may be as well in the clothes of the maſter and his crew, who have all along handled, and remained with the goods, as in the goods themſelves. Why therefore permit them to come aſhore? And if there be any infection in the goods, why ſhift them on board a hulk, already ſtored with other goods, almoſt ready to be admitted to prattique, and where it is next to impoſſible they can be kept ſo ſeparate, as not to run the riſk of infecting the latter? Beſides, the ſame people manage both one and the other, and muſt therefore neceſſarily

ceſſarily convey the infection, if any there be, to every parcel.

We are far from reprehending any reaſonable cautions in a matter of ſo much importance; but in fact, ſo much extraordinary, diligent, and judicious care, is always taken in all the ports of the Mediterranean, with reſpect to a ſtrict performance of quarantine, by all veſſels coming from the Levant, or coaſt of Barbary, as well in keeping both the captain and crew from any communication with people on ſhore, or on board other veſſels, till the quarantine be fully expired, as in opening, and airing all the goods, in large and commodious lazzarettos, that when they have been once admitted to prattique, there is no fear of any infection afterwards.

We therefore lay it down as an abſolute poſtulatum, that it is totally unneceſſary, as well as an intolerable grievance on trade, to oblige ſhips, or their cargoes, to perform any quarantine at all, when they

they arrive from any part of the Mediterranean, (except the coaſt of Barbary) and bring with them clean and unambiguous bills of health.

The ſuperintendence exerciſed by the *Sagra Conſulta* over the reſpective health-offices of the State, particularly thoſe of Civita-Vecchia and Ancona, was certainly a wiſe inſtitution, and might have been productive of the moſt ſalutary conſequences. But the extreme ignorance of the members that compoſe this tribunal, with reſpect to all maritime affairs, trade, and the rules of quarantine, in general renders it rather a means of embroiling, than of elucidating and directing the particular meaſures neceſſary to be taken on any emergency.

Upon the arrival of any veſſel at any port of the Pope's State, the captain, with his mate, and ſeveral of his crew, immediately come in their own boat to the health-office, where there is a proper

place for them to land, incloſed by a double paliſade, to prevent their communication with any perſon on ſhore. A proper officer, called the Commiſſary of the Health-office, always attends, and interrogates them upon oath, through an iron grate, whence they came—what cargo they have on board—how long upon their voyage—what place (if any) they have touched at, and whether they have viſited, or been viſited by, any other veſſel, and of what nation, during the voyage.

He then deſires to ſee their bill of health, which is held up before him by the captain, and he reads it through the grate, but without touching it. If it be in a language he does not underſtand, or if any expreſſion in it, or the general terms and appearance of it, raiſe any doubt in his mind, he then puts out a pair of tongs, takes in the bill of health, and holds it for ſome minutes over the ſmoke of moiſt ſtraw, lighted up directly

for

for the purpoſe. After being well ſmoked, he ventures to take it in his hand, to examine it with greater attention; and if he does not underſtand it, ſends for an interpreter to explain it.

After being fully ſatisfied of its authenticity, and of the depoſitions of the captain and his men, (which are taken in writing) he orders the reſt of the crew to come aſhore, and having viewed them all, and finding them apparently healthy, he admits them to free prattique, provided they came not from the Levant, or any other ſuſpected places; nor have viſited, or have been viſited by, any other veſſel during the voyage.

If any one of the crew be ſick, and cannot come aſhore, a phyſician is ſent off to viſit him; and the boat that carries him waits till he gives his opinion, whether the malady be infectious or not. If he thinks it infectious, the doctor himſelf muſt remain in quarantine, and the

boat returns without him. In this caſe the captain and all his crew muſt return to their ſhip, and continue on board a certain number of days to aſcertain whether the diſorder be really infectious or not; and proper guards are ſtationed, as well on ſhore as on board, and in boats, to watch that they have no communication with any body on ſhore, or with the crews of other veſſels.

In this caſe, as in all others of any ſtrong ſuſpicion, or even doubt, the commiſſary immediately writes to the *Sagra Conſulta*, relating all the particulars, and tranſmitting copies of the depoſitions of the captain and his men. Theſe are communicated by the ſecretary to the next congregation, who give ſuch orders thereon as they think proper. They are often abſurd, and even laughable; but the commiſſary, who is generally a prudent man, is careful that every proper ſtep ſhall be taken.

In

In caſe the veſſel comes from the Levant, or coaſt of Barbary, ſhe muſt at all events perform quarantine; and if the goods ſhe brings be of a quality ſuſceptible of infection, proper people are ſent on board, to remain in quarantine, and land the goods into the Lazaretto, where they are all opened, and aired, in ſpacious rooms, well ventilated for the purpoſe, and handled, and toſſed about every day till the quarantine be expired.

If in all this time no infection appears to have been communicated, they are then admitted to free prattique, and the crew are allowed to come on ſhore. If otherwiſe, a longer term is impoſed; and if the plague really appears, the goods in the Lazaretto muſt remain there, or be ſent on board, if that is preferred, and the ſhip is obliged to put off to ſea, not to return, on pain of being immediately ſunk. The goods, if left behind, are burnt in the Lazaretto.

For further ſecurity, there are alſo ſix magiſtrates of health, conſiſting of the governor and five others, who take it by turns to aſſiſt the commiſſary at the health-office, one of them every week, who is called the Hebdomodary. In any extraordinary, or very doubtful caſe, the commiſſary calls them all together, lays the matter before them, and they deliberate what is proper to be done for the public ſecurity. Their ſeveral votes or opinions are reduced into writing, ſigned by each of them reſpectively, and tranſmitted by the commiſſary to the *Sagra Conſulta*, who deliberate thereon, and ſend back their orders. In the mean time proper care is taken to enforce a rigorous obſervance of the rules of quarantine.

If the orders of the *Sagra Conſulta* cannot be complied with, or are highly unreaſonable, (which is ſometimes the caſe) then the magiſtrates aſſemble again, and

ſend

ſend back a proper remonſtrance, explaining the difficulty or impolicy of them, which generally induces that reſpectable body to alter their former commands.

CHAP. VIII.

Of the Governor of Rome.

THIS is one of the moſt reſpectable magiſtrates of the whole ſtate. He is always a prelate, and has very great authority, both as a civil and criminal judge, over all the city of Rome. He appears in great ſtate when he goes abroad, and is attended with guards like a ſovereign prince. He is alſo called Vice-Chamberlain, becauſe he was formerly appointed by the Cardinal-Chamberlain, but now by the Pope.

In the hearing and determining of civil cauſes he is aſſiſted by an auditor, who is always a lawyer, and choſen by himſelf; and by a lieutenant, who is alſo a lawyer, but named by the Pope, and cannot be removed by the governor. The auditor, however,

however, holds the firſt rank, and has ſome excluſive juriſdiction, wherein the lieutenant cannot interfere, ſuch as judging of all cauſes that any way affect, or directly belong to, the theatres, or other public ſpectacles, with ſome other of ſmaller importance. From his decree in theſe matters there lies no appeal, except to the Pope, or his auditor.

Theſe two generally divide all other civil cauſes pretty equally between them; and though their decrees run in the name of the governor, yet he is ſeldom conſulted, and generally knows little of what is going forward. Indeed, the matters brought before them are of little importance, conſiſting chiefly of ſervants ſuing their maſters for wages, and labourers for their hire. In theſe two caſes they have a moſt ſingular and prepoſterous way of proceeding; for the complainant has nothing more to do than to get his demand written down in the office, upon which the maſter

is cited to appear, and muſt *ipſo facto* depoſit the money, whether right or wrong, though perhaps the ſervant was never in his ſervice, or the labourer never employed by him. It is in vain to repreſent this, or even to prove payment. The money muſt be depoſited, or the maſter muſt give ſecurity for the payment, or go to jail.

Sometimes a whole troop of country labourers, forty or fifty together, will appear, and complain that a man has employed them, and will not pay their hire. The ſum will amount perhaps to fifty or a hundred pounds, which muſt be immediately depoſited, though it often happens that he has already paid them, or perhaps never employed them at all. But there is no remedy; the money muſt be depoſited, however extravagant the demand, or he muſt give ſecurity, or go to jail; for it is the fixed and invariable maxim of theſe judges, never to ſuffer the merits of

of the cauſe to be entered upon till this be complied with.

They then condeſcend, not to inquire into the juſtice of the demand, or require any proof at all from the plaintiff, but to hear what the defendant has to ſay in his own behalf, and oblige him to exonerate himſelf, by proving the negative, which is often no eaſy matter; for his own oath cannot be taken, and few others can ſwear to negatives. The ſhorteſt road is to prove payment, if poſſible, wherein if he fails, or cannot prove, that the plaintiff was never employed by him, he will be infallibly condemned to loſe his depoſit, with coſts. The only reaſon aſſigned for this prepoſterous proceeding, is charity to the poor hireling, for which they quote ſcripture, as if juſtice was not to precede it, or was quite foreign to the queſtion. What is perhaps worſe, is, that though the defendant ſucceed in exculpating himſelf, and of courſe it plainly appears, that

the plaintiffs are arrant knaves, yet they cannot be puniſhed, perhaps becauſe they bring griſt to the mill.

The governor's juriſdiction extends not only over all Rome, but its circumjacent diſtrict; though in civil matters there is no obligation to recur to him, there being many other tribunals to apply to. His authority is limited to cauſes between mere laymen only; but if the ſum in diſpute do not exceed twenty-five crowns, he can proceed alſo againſt eccleſiaſtical perſons, by a particular conſtitution of Benedict XIV.

He has alſo a power of admitting debtors to a general ſurrender of their effects, for the benefit of their creditors, and to grant letters of licence to debtors for a certain limited time, during which they cannot be moleſted. This part of his authority is excluſive of all other tribunals for debtors reſiding in Rome and its diſtrict.

As to his criminal juriſdiction, it extends as well to eccleſiaſtics as laymen, provided they be in Rome, or its diſtrict. It is not excluſive of all other tribunals, for that called the A. C. (that is *Auditoris Cameræ)* has the ſame, though by far the major part of criminal matters is brought before the governor, becauſe he has a greater number of *ſbirri* at his command, and becauſe it is his particular duty to attend to the police, correct abuſes, and bring the offenders to puniſhment.

The governor of Rome can alſo in ſome caſes, adjudge crimes committed in any part of the ſtate, except the three legations; for if a delinquent come within Rome, or its diſtrict, and falls into the hands of his *ſbirri,* he can proceed againſt him, though the fact were committed out of his juriſdiction, unleſs ſuch delinquent be a privileged perſon, or the crime, on account of its locality, belong excluſively to ſome other tribunal.

In

In the exerciſe of his criminal authority, he is aſſiſted by two lieutenants, who are uſually advocates, and named by the Pope, ſo that the governor cannot remove them, nor are they changed when he is ſucceeded by another in the office. There are alſo two ſubordinate lieutenants, called *Soſtituti Luogotenenti*, and ten aſſiſtants, called fiſcal ſubſtitutes. They are all retainers to the law, but generally of the lower claſs.

It is the buſineſs of theſe twelve perſons to attend alternately, and aſſiſt the two firſt lieutenants in drawing up caſes, and carrying on proceſſes againſt delinquents, which are always managed in the manner deſcribed in the foregoing chapter. There are alſo twelve notaries, called ſubſtitute-notaries, whoſe province it is to receive and regiſter all criminal complaints, and to write the proceſſes dictated to them by the above *Soſtituti Luogotenenti*, who, together with the two firſt lieutenants, in

matters of moment, and the ten fiſcal ſubſtitutes in ſmaller affairs, act as proſecuting judges in the manner related in the laſt chapter.

After a proceſs be finiſhed, and the delinquent has made his defence in the manner formerly recited, a congregation is held to hear the whole read over, and determine upon the condemnation, or acquittal of the priſoner. This congregation is compoſed of the governor himſelf, two prelates called aſſeſſors, appointed by the Pope to attend only on theſe occaſions, the two firſt lieutenants, and the ten fiſcal ſubſtitutes. The firſt five members only have a right to vote; and though the two ſubordinate lieutenants may deliver their opinions, yet if the firſt five do not think proper to attend to them, they paſs for nothing. The reſt have no right to deliver any opinion at all.

The firſt to give their votes, are the two firſt-lieutenants, beginning with the youngeſt,

youngeſt, then the two prelates-aſſeſſors, in the ſame order, and laſt of all the governor. But if before it comes to his turn, there happens to be two votes for acquittal, and two for condemnation, he ſeldom votes at all, for the priſoner, by this parity of votes, is generally underſtood to be acquitted. Yet in any extraordinary matter of great importance to public juſtice, if the governor be fully perſuaded of his guilt, he may, and does throw in his deciſive vote for condemnation. But if he refuſes to vote at all, the priſoner muſt be acquitted.

The governor of Rome, as guardian of the police, has a power to hear and determine offences not capital, in a ſummary way, ſuch as picking of pockets, aſſaults, frays, diſturbances in the public theatres, &c. The puniſhments for ſuch offences are various, according to the enormity, or evil tendency of the fact, or the quality of the perſons offending, or offended; but

but the moſt uſual is by fine, impriſonment, or the cord. This laſt, if inflicted with rigour, generally renders the perſon who undergoes it, incapable of any work that requires ſtrength, for ever after.

The method is to tie the delinquent's hands behind him, and then by a cord fixed by a ſlip-knot over both the wriſts, to draw him up by a pulley to the height of twenty feet, or more. From this he is let down all at once about half-way, which generally puts both the ſhoulder-bones out of their ſockets. This is called one *tratto*, or jerk of the cord, which is ſometimes repeated as often as thrice, according to the offence.

CHAP.

CHAP. IX.

Of the Pope's Auditor.

THIS magiſtrate is the ſupreme judge, in civil cauſes, over the whole ſtate. He is always a prelate, named by the Pope during pleaſure, but is ſeldom removed till created a cardinal, when his authority as auditor immediately ceaſes; or if the Pope chooſes he ſhould continue in that office, he muſt have a new appointment to act as pro-auditor, till another prelate be nominated.

It is ſeldom that he decides upon the merits of any cauſe, though he may, if he pleaſes, and is not tied down to the rules and maxims obſerved by other tribunals. But as he is not an ordinary judge, no cauſe can be brought before him without a previous reſcript from the Pope, or without obtaining from the auditor

ditor himſelf leave for that purpoſe, which leave is called the *poterit legi*, and preſuppoſes the matter already in agitation before ſome other judge, who has decided ſome point, either with reſpect to the manner of proceeding, or to the merits of the cauſe. His uſual method is to hear the parties, determine any point of law, or proceeding, that has incidentally ariſen in the courſe of the ſuit, and remit the deciſion of the merits (ſubject to the point he has determined) to ſome other tribunal.

But when the matter is once before him, he may determine upon the merits too, if he pleaſes, though he ſeldom does ſo, unleſs it come before him by virtue of the Pope's reſcript, remitting the matter to him in general or particular terms. If in general terms, he does not always decide upon the merits, but will only obviate, or remove ſome difficulty, which may ſtand in the way of ſpeedy juſtice, and

and remit the merits in that condition to another judge. If the reſcript be in particular terms, importing diſpatch, or directly ordering him to finiſh the affair, then he decides upon the merits himſelf.

He has power alſo of deciding any matters brought before him according to equity, like the lord chancellor with us; and can even delegate this authority to another, which he frequently does, remitting the affair to the *Segnatura di Giuſtizia*, with power to proceed like the *Segnatura di Grazia*, or, in other words, to decide according to equity.

This magiſtrate's authority ceaſes immediately upon the death of the Pope; and he ſeldom ſucceeds to the ſame office with the new Pope, unleſs great intereſt be made for him.

CHAP.

CHAP. X.

Of the Segnatura di Giuſtizia, and the Segnatura di Grazia.

THESE are two celebrated tribunals in Rome, the former ſignifying a ſigning, or adminiſtering of juſtice, and the latter of grace or favour. The former is bound to determine according to law, but the latter may decide according to equity and good conſcience, and even ſuperſede, or diſpenſe with the law.

The *Segnatura di Giuſtizia* is compoſed of one cardinal, called the *præfect*, twelve prelates, called *votanti*, or voters, and one other prelate, called the auditor. There are alſo other prelates, called *referendarii*, becauſe they report or refer matters to the former, but have no vote. Their number is indeterminate; and this is uſually

the firſt ſtep of promotion for the younger prelates.

This tribunal is ſaid to repreſent the Sovereign himſelf, becauſe it can grant appeals from, and moderate the deciſion of all other judges, except the Pope's auditor, and excepting alſo ſuch other tribunals, from whoſe deciſion the law has provided an appeal to another preciſe and determinate court, or congregation. Or, in other terms, it can grant appeals, where the laws have not otherwiſe expreſsly provided for them.

The authority of this tribunal extends both to civil and criminal matters, and may be divided into two diſtinct parts. The firſt part comprehends a reviſal of all ſentences and decrees of other judges, generally not with a view of determining the merits, but merely to examine, whether there be or not a ſufficient foundation for granting an appeal. If the reſult of this inquiry be in the affirmative,

then the appeal is decreed, and the proper judge (not one of this tribunal) appointed to hear and determine the appeal. Yet ſometimes the auditor will determine upon the merits alſo, or upon ſome particular point, according to his diſcretion.

The ſecond part of its authority reſpects the juriſdiction of other judges, for it often happens that a man may be ſued before a judge that has no right to entertain the cauſe, either on account of the particular nature of the matter in agitation, or of ſome particular privilege of the defendant, or for ſome other reaſon, either local, or juriſdictional. In this caſe, the defendant recurs to this tribunal, which, after hearing both parties, decides whether the judge in queſtion can, or cannot, take cognizance of the matter.

Theſe two parts include the whole ordinary authority and utility of this tribunal. The uſual method of proceeding is, to cite the party before the auditor of

the court, who decides the queſtion without conſulting his colleagues. If either party remain diſſatisfied with his deciſion, he may recur to the auditor of the cardinal præfect, who, in the name of his principal, determines the point. And, finally, if this be not ſatisfactory, recourſe may be had to the whole congregation, called the *Piena Segnatura:* but it muſt be noted here, that if the two former deciſions be in perfect uniſon, the party recurring to the whole congregation muſt depoſit four crowns, to be paid to his adverſary, in caſe the two former deciſions be confirmed.

There is one particular to be obſerved, when the diſpute is, whether a cauſe belong to a civil, or criminal judge. If the party applying wants to get the matter removed from a criminal to a civil judge, in this caſe, not only the proſecutor muſt be cited, but the fiſcal procurator; if the place where the criminal judge reſides, or if in

in Rome, the fiſcal general. The reaſon whereof is, in order that the authority of the criminal judge may be properly defended, leſt, under pretence of bringing the cauſe to a civil tribunal, an offender might eſcape the chaſtiſement of the criminal laws.

There is another particularity to be noted whenever the diſpute is, whether a cauſe belong to a civil, or criminal judge. The proceedings are, as before related, as far as the recourſe to the cardinal-præfect's auditor; but then, inſtead of recurring to the whole congregation, in caſe either party be diſſatisfied, application muſt be made to the Pope's auditor, for the reaſon above aſſigned, that is, the better ſupport of the criminal authority.

The *Segnatura di Grazia* is compoſed of prelates, and a cardinal-præfect, like the former, but they have only an adviſing or conſultive vote; that is, they

may deliver their opinions, but their votes have no weight in the deciſion. It is the Pope himſelf, who is the head, or chief-juſtice of this tribunal, who alone can decide all matters brought before it.

This is a very high and ſolemn court of juſtice, but ſo ſeldom held, that it is of little ſervice to the public. Twenty years or more ſometimes elapſe between one ſeſſion and another, for few Popes chooſe to expoſe themſelves to ſo delicate and arduous a taſk, unleſs in the former part of their lives they have acquired ſome reputation as lawyers, and ſome degree of credit as judges.

After an interval of full twenty-five years, the preſent Pope, Pius VI. thought proper to hold this court in 1783, in the great hall of his palace, at Monte Cavallo. It was very grand and ſolemn, and conducted with as much decorum as the trial of a Peer before the Houſe of Lords in Weſtminſter Hall. All the cardinals in Rome,

Rome, with ſeveral prelates of the *Segnatura*, and of the *Rota*, were aſſembled on this occaſion; and the Pope, ſitting under a canopy of ſtate, with the grand conſtable Colonna, ſtanding at his right hand, and his own auditor at his left, made a very majeſtic and awful appearance.

Eleven cauſes, all of conſiderable importance, were laid before him by four prelates appointed for the purpoſe, and called *Ponenti*. They ſtated the matter in diſpute as clearly as poſſible, pointed out where the difficulty lay, and ſubjoined what arguments occurred to them on both ſides of the queſtion. The Pope, who had previouſly ſtudied all the pleadings, as well as proofs, decided them all in the courſe of four hours, touching upon ſeveral arguments and proofs advanced, placing the preciſe point of diſpute in a conſpicuous light, and giving his reaſons for his deciſion, which was immediately noted by his auditor.

His Holineſs ſpoke Latin with great purity and elegance, (for the whole was conducted in that language) and, to ſay the truth, his deciſions gave ſatisfaction. They were founded on equitable principles, mitigating the dogmas of law, much like the decrees of our chancellors.

The matters proper to be brought before this high tribunal, are ſuch as cannot be judged by the *Segnatura di Giuſtizia.*

1. All matters that have been depending before the cardinal-legates, in their reſpective provinces, who have all the authority of the *Segnatura di Giuſtizia* inherent in themſelves, and from whoſe deciſions, as a *ſegnatura*, there can be no appeal but to this high tribunal, or to the Pope's auditor.

2. When a cauſe be depending before any of the tribunals in Rome, called congregations, in caſe either of the parties deſires to have it removed from one congregation to another, this

cannot be done but by appeal to this tribunal.

3. In cauſes depending before any judge, if one of the parties produces a particular chirografo, or ſign-manual of the Pope, conveying to him lands, or the farm of any taxes, or other emoluments, and the adverſary ſhould conceive ſuch grant to be oppreſſive as to his particular caſe, his remedy is to apply to this tribunal for what is called the *apertio oris*, and vulgarly the *aperizione oris*, in order to obtain a faculty, or power of trying the equity of his particular complaint; for without this previous faculty, or *aperizione oris*, no ordinary judge can admit any pleadings againſt the Pope's chirografo.

4. In all matters where an appeal has been refuſed by the *Segnatura di Giuſtizia*, or other tribunals, having the authority of the *Segnatura* inherent in themſelves, the

the party aggrieved may apply to this grand tribunal.

5. Whereas the decrees of all ſuch congregations as may properly be ſtiled courts of juſtice, are final, there is no remedy for the party that conceives himſelf aggrieved, but by appealing to this tribunal.

6. If in the diſcuſſion of any cauſe, a diſpute ſhould ariſe, whether it belong to the judge before whom it be agitated, or to another, and it ſhould ſo happen, that neither one or the other be within the juriſdiction or authority of the *Segnatura di Giuſtizia*, in this caſe, recourſe muſt be had to this tribunal.

7. In all caſes, where either of the parties have omitted any particular formality preſcribed by the laws, or any particular conſtitution of the Popes, and ſuch omiſſion be fatal, or particularly hurtful; and, in ſhort, in all other matters

which

which the Pope pleaſes to receive, whether to determine finally, or remit to ſome other tribunal, this ſupreme court of juſtice may be applied to.

But previous to the bringing any matter whatever before it, leave from the Pope's auditor muſt be obtained; though he always reports to the Pope any applition of this ſort, and takes his orders upon it. If any one chooſes to apply directly to the Pope himſelf, he may do it by memorial; and though the auditor be generally conſulted before the Pope reſolves, yet he may, by reſcript on the back of the memorial, directly order his auditor to admit the cauſe petitioned for to the next *Segnatura di Grazia*.

Though it were to be wiſhed, that this high court of judicature were more frequently held, yet it muſt not be underſtood, that in the intervals there is no remedy for the ſeveral matters uſually brought before it. The Pope's auditor, always

always near the perſon of his ſovereign, and continually reporting to him all affairs in agitation in his office, is in fact inveſted with the ſame authority as the great court of which we have been juſt treating.

CHAP.

CHAP. XI.

Of the Tribunal called A. C. *or Auditor of the Chamber.*

THE judges who compoſe this tribunal are four prelates, and conſiſt of the Auditor of the Chamber, his auditor, more generally called Secretary of the A. C. and two lieutenants, or puiſne judges, called *Luogotenenti dell' A. C.* This is one of thoſe tribunals, which, as mentioned in the preceding chapter, has the authority of the *Segnatura di Giuſtizia* inherent in itſelf; that is, it can grant appeals from the decrees of either of the above four judges to the whole body aſſembled in congregation.

For the purpoſe of granting or refuſing ſuch appeals there is a fifth judge, generally an attorney, and called the Private Auditor

Auditor of the Prelate-Auditor
Chamber.

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the *Segnatura*, or to the whole congregation, at the option of the appellant.

The authority of this tribunal extends both to civil and criminal matters. In civil affairs it comprehends as well ſuits between mere laymen as eccleſiaſtics, but limited in the firſt inſtance to the city of Rome; for beyond this it can only admit appeals in matters already determined by other judges *in partibus*; that is, out of the city of Rome and its diſtrict.

Yet in general it can take immediate cognizance of all matters of written contract, and promiſſory notes of hand, provided they contain a *cameral obligation*; that is, when the party has bound himſelf to the obſervance of his contract, or promiſe, under pain of being ſubject to the laws and rules of the Chamber. This clauſe not only ſubjects him to this tribunal, but implies a more ſolemn obligation, and more ſpeedy juſtice, in caſe of non-performance.

It

It can alſo judge of matters appertaining to eccleſiaſtical beneſices; but not of the right of collation, preſentation, or inſtitution; for this belongs excluſively to the Pope's cardinal-vicar-general, if the benefice be in Rome, and if in other parts, to the dioceſan biſhop, from both of whom there lies an appeal to the *Rota*.

Though we have deſcribed the authority of this tribunal as ſo extenſive, yet it muſt always be underſtood that it cannot take cognizance of any matter, even by way of appeal, that belongs excluſively to any other court;—ſuch are all cauſes wherein the intereſt of the Chamber, or, in other words, the Pope's Treaſury, be mediately or immediately concerned;—cauſes wherein any officer or miniſter of the inquiſition be a party; and ſuch as reſpect the validity or nullity of any marriage: yet it can judge of divorces *à*

menſâ

mènſâ & thoro, of alimony, and matrimonial obligations.

Excepting the Auditor himſelf, each of the judges of this court hears and determines cauſes ſeparately, and without any dependence on, or connection with, the reſt. The Secretary is ſuppoſed to judge for the Auditor, and is for that reaſon called the A. C. met, or the Auditor himſelf. They are all four aſſembled in congregation whenever the Auditor thinks proper; and upon this occaſion it belongs to the Secretary to prepare all matters to be laid before them, though he has no poſitive vote in their determinations, and can only deliver his opinion, or conſultive vote. The majority of votes decides the matter.

In this congregation are determined all appeals, granted by the private Auditor, as already mentioned, againſt any of their ſeparate or particular decrees. Many other matters are alſo brought before them

by ſpecial commiſſion or reſcript of the Pope, not only by way of appeal or reviſal, but originally. They generally concern affairs in diſpute between relations about the diviſion of their family property, this being ſuppoſed a more ſpeedy and leſs expenſive channel than that of other tribunals, though the contrary, in both reſpects, very often happens.

For though the Pope, in his reſcript, ſhould order them (as he generally does) to determine the matter referred to them in a ſummary way, *ſine formâ & ſtrepitu judicii*, yet they often put off the deciſion from one congregation to another, and drawl it out to an intolerable length of time, to the great detriment and expence of the parties.

And here we remind the reader of what we hinted in the fifth chapter, about every prelate's keeping an auditor. Theſe needy retainers to the law not only receive and examine all the pleadings and

proofs produced by the parties, but draw up a ſummary of the whole, and ſtate the matter juſt as they pleaſe, for the information of their maſters, who ſeldom give themſelves the trouble to read over the original documents. Upon this information, called the *Riſtratto*, as it generally deſerves, on account of its ſhortneſs, the prelate forms his judgment, almoſt always in concert with his underling, who is charged with the drawing up the ſentence in form; and thus the ſuit is determined.

No reaſons are aſſigned for what they decree, nor are the particular documents exhibited in the courſe of the pleadings recapitulated. The ſentence only recites in general terms, that the judge has heard the parties, and examined what was neceſſary to be inveſtigated, and then the decretal part begins with *Deum ſolum præ oculos habentes*, to which ſolemn appeal it

were to be wiſhed that more attention were paid.

We muſt not, however, omit, that, pending the ſuit, the prelate himſelf is obliged to hear the lawyers diſpute the cauſes of their clients, as before mentioned; yet all the eloquence of Cicero himſelf would avail but little, unleſs the Auditor be alſo convinced, for the whole matter muſt finally fall into his hands.

We ſhall inſert one general obſervation in this place, which is equally applicable to all the tribunals of this country. No evidence is given *vivâ voce*, as with us, but all the proofs are reduced into writing, called Atteſtations, and ſworn to by the witneſſes before a notary-public. They are drawn up by the attorneys of the reſpective parties, or by the notary himſelf, without any previous notice given to the adverſe party, who of courſe loſes all the benefit of a croſs examination. It

is

is needleſs to add, what an opening is here given for perjury, and what inſuperable obſtacles are often raiſed to the inveſtigation of truth.

It is now become faſhionable among the younger prelates to ſtudy the Engliſh language, in which ſome few have already made a tolerable proficiency. Happy ſhould we deem ourſelves, as friends to mankind, if theſe animadverſions ſhould rouſe them to a more active ſenſe of their duty. But at all events, the conviction of their own conſcience will moſt ſurely corroborate the veracity, the impartiality, the moderation of our ſtrictures.

But it is now high time to deſcribe the criminal juriſdiction and authority of the tribunal of which we are treating. In the exerciſe of this branch the two prelates, called Lieutenants, or Puiſne Judges, have nothing to do. The Auditor of the Chamber, two prelates, called Aſſeſſors, (added by Benedict XIV.) the Secretary, or *A. C.*

met, and one criminal judge, called alſo the Lieutenant, (generally an advocate) form a congregation apart for this purpoſe.

Almoſt the whole buſineſs is tranſacted by this lieutenant, who, when matters are properly matured, reports them to the congregation, whoſe determination (wherein he himſelf has a right to vote) is called extra-judicial, becauſe whatever it be, it cannot be executed without a new citation before him as ordinary judge. His decree upon this citation is, *Exequi reſolutionem editam in congregatione*, and then the ſentence is complete; but we do not find he has any power of altering or mitigating the decree of the congregation, ſo that this is a mere formality.

He is aſſiſted in theſe matters by three criminal advocates, called Lieutenant-Subſtitutes, and one other, called the Reporting Judge. There are alſo five other

other ſubſtitutes, called Supernumeraries; and all theſe nine aſſiſt at the ſeveral congregations, though the firſt four only have conſultive votes, and the five latter none at all. The manner of proceeding is the ſame with that of the Governor of Rome.

The juriſdiction of this tribunal extends not only to Rome and its diſtrict, like that of the Governor, but alſo to other parts of the State; but in the exerciſe of the latter it can only proceed upon appeals from other judges, and not in the firſt inſtance. Neither can it take cognizance of matters already before the *Sagra Conſulta*, or which belong excluſively to that tribunal.

The Lieutenant, as ordinary judge, can determine matters not capital by his own authority; but in capital caſes, and in all matters of appeal, he can only collect and prepare the cauſes or proceſſes,

and then report them to the congregation.

One particular diſtinguiſhes this tribunal from all others; for by a decree of Clement VIII. it can receive appeals *à futuro gravamine*; that is, if any one be in danger of being impriſoned by order of any judge out of Rome, whether eccleſiaſtical or laical, upon application to this court, ſetting forth the caſe, and proving the danger, it can grant compulſory letters, obliging the judge to ſuſpend ſuch impriſonment.

The ſame letters order the judge to tranſmit to this tribunal all the acts or pleadings againſt the appellant, in the preciſe ſituation they are in at that time. If, upon due examination, it ſhall appear that there was a proper ground for impriſonment, the compulſory letters are recalled; but if otherwiſe, a formal appeal is admitted, and the cauſe avoked to this tribunal.

The

The intention of this extraordinary power in favour of liberty was certainly laudable; but whether it be not egregiouſly abuſed may well be doubted.

CHAP.

CHAP. XII.

Of the Roman Senate.

THE ſenator of Rome, who is always a nobleman, not a native of the ſtate, named by the Pope during life, reſides at the capitol, and is the head of this tribunal, though he ſeldom or never interferes in any matter agitated before it. Next in authority to him is his auditor, uſually an attorney, aſſiſted by two others, called collaterals, and one judge of appeals.

Its juriſdiction is generally underſtood to extend only to the city of Rome and its ſuburbs; though, in conſequence of a conſtitution of Benedict XIV. ſome lawyers opine that it ſhould extend to the diſtrict of Rome alſo. However, this power has never yet been legally decided,

cided, nor has the tribunal attempted to exceed the above limits.

All civil cauſes between mere laymen, may be heard and determined here, and even appeals received from the decrees of other judges. The ordinary judicature is exerciſed by the two collaterals, each ſeparately, as well as by the auditor; but the latter can judge alſo of the admiſſion of appeals, as well from his own, as from the two collaterals decrees, or the decrees of other judges.

He can alſo determine to what judge, or tribunal, any cauſe do properly belong, in caſes where the juriſdiction be conteſted. In theſe reſpects, he acts like the *Segnatura di Giuſtizia*, and can depute the judges who are to determine ſuch appeals, unleſs the matter belong excluſively to any particular judge.

He can alſo ſuperſede proceedings depending before either of the collaterals, and order the matter to be determined by th

the full tribunal aſſembled in congregation, which here is called the *aſſettamento*, or adjuſting court.

The judge, called alſo the captain of appeals, can not only admit, but determine them; but if either of the parties ſhould diſlike his deciſion, on application to the Pope's auditor, an aſſeſſor, or conſultor is appointed to re-examine the matter. He muſt be a prelate, or at leaſt an advocate, and gives in his vote, or report in writing, which is tranſmitted to the judge of appeals, who is thereupon obliged to reform his decree according to ſuch report. If the matter be of great weight, the party, inſtead of an aſſeſſor, may demand the vote of the Rota. This tribunal is not ſubject to the juriſdiction of the *Segnatura di Giuſtizia*, becauſe it has a *Segnatura* inherent in itſelf, called the *aſſettamento*, as above related. When this is aſſembled, all the above four judges have an equal vote, and the ſenator preſides,

but does not vote. If the appeal be from the judgment of any one of the other four, the judge that gave the ſentence cannot vote on the appeal, but another is appointed by the auditor to vote in his ſtead, and is generally an advocate.

Matters of moment are ſeldom brought before this tribunal, which is moſtly recurred to for the recovery of ſmall debts. The time allowed for appealing is ſix months after the decree, which may, in the mean time, be executed conditionally, (if not immediately appealed from,) and all appeals muſt be determined in two months, though on ſhewing cauſe a further term may be obtained. In all other tribunals, the parties have two years time to lodge an appeal. No term is preſcribed for its deciſion.

Under the ſenator are alſo elected every three months, three noble Romans, called *Conſervatori*,

Conſervatori, or conſervators, who, with the heads or chiefs of the ſeveral wards of Rome, called *Caporioni*, form the community or corporation of the city. A particular account of theſe communities will be given in the twenty-third chapter. Theſe conſervators are to aſſiſt the preſident of the *Graſius* in fixing the price of proviſions for the city; but he is not obliged to attend to their advice. It is, however, their particular duty (together with him) to ſee that the price fixed be not exceeded, and that proviſions be wholeſome.

They can alſo reviſe all cauſes reſpecting the paſture and farms of land, within the juriſdiction of the capitol, and can take immediate cognizance of matters relating to the corporation lands, and of offences committed thereon. They are aſſiſted in the execution of their office by one of the *Caporioni*, called the prior, or elder,

elder, who has a right to vote with them. In theſe particulars, they have an authority ſuperior to other communities of the ſtate, as will appear in its proper place.

CHAP.

CHAP. XIII.

Of the Cardinal Vicar, and his Authority.

WE have curſorily mentioned this perſonage in the eleventh chapter, who, being vicar general to the Pope, as biſhop of Rome, it would ſeem that his authority ſhould extend only to ſpiritual or eccleſiaſtical matters. If this were the caſe, it would be foreign to our plan to ſay any thing more about him; but he is alſo a judge, armed with temporal authority, both civil and criminal.

In his civil capacity, he has an auditor, a prelate, called the vicegerent, and another prelate, called the civil *Luogotenenti*, or lieutenant. His juriſdiction extends in civil matters to ten miles without the walls of Rome, and his authority over all eccleſiaſtical perſons, all convents, or other

other pious inſtitutions, and alſo over all laymen, in matters that do not exceed the value of twenty-five crowns. His decrees, however, are ſubject to the *Segnatura di Giuſtizia*, like thoſe of the auditor of the chamber, and the governor of Rome.

The auditor proceeds as any other ordinary judge, and can alſo admit appeals from the judgment of the other two. The vicegerent keeps an auditor, who manages the buſineſs brought before his principal; the lieutenant does the ſame; and both act in the ſame form as ordinary judges of other tribunals.

The criminal authority is exerciſed by the cardinal himſelf, by the vicegerent, and by an advocate, with the title of lieutenant. They all three act as criminal judges, have an excluſive authority over all eccleſiaſtics, and can judge laymen too, for crimes merely eccleſiaſtical, or mixed. They are aſſiſted by a ſubſtitute-lieu-

tenant, and ſeveral others, called merely ſubſtitutes.

But in capital caſes, or other matters of great importance, no final judgment can be pronounced, but by the vote of a congregation aſſembled for the purpoſe. It conſiſts of the cardinal-vicar, the vicegerent, the prelate-civil-lieutenant, the criminal-lieutenant, and the ſubſtitute-lieutenant, who have all an equal right to vote; and the majority, as in other caſes, decides the queſtion.

To theſe congregations, the advocate and procurator-fiſcal have both a right to come, if they pleaſe, in order to defend and take care of the fiſcal rights, as they may do in all other criminal congregations whatever; but they have no vote in any of them. The method of proſecution previous to this congregation is the ſame as in other tribunals.

But another, and perhaps more material part of the Cardinal Vicar's authority,

rity, is that of cenſor over the morals and manners of the public in general. This is exerciſed both by himſelf, and the vicegerent, in a ſummary and often violent way, without any previous ſummons, and without any of the formalities uſed by other tribunals. Spies are continually employed all over Rome, who report not only incidents that may deſerve correction, but every the moſt trivial occurrence of private families. Wives are, in conſequence of ſuch reports, often torn from the arms of their huſbands, and hurried away to a houſe of correction, without any reaſon aſſigned, without trial, without a poſſibility of remedy.

It is granted, that the infamous lives of ſome women may juſtify ſuch violence; but it is well known, that the ſame has happened upon very ſlight faults, and even without any foundation at all, whereof the very judges themſelves have been more than once convinced.

Yet a woman thus treated becomes infamous for ever after, nor can her character by any means be reſtored to its former luſtre.

Men are in like manner kidnapped away to a loathſome priſon, often, no doubt, deſervedly enough, ſometimes upon the private complaint of their wives, ſometimes perfectly innocent, and even exemplary, but generally to the ruin of their characters, their buſineſs and families.

The curates of the reſpective pariſhes in Rome, eighty-two in number, are immediately ſubject to the Cardinal Vicar, and are obliged, at leaſt once a week, to report to him the behaviour of their pariſhioners with reſpect to religion, morals, and manners. Their relations of matters have ſo much weight, that no other inquiry is thought neceſſary; ſo that it is a dangerous circumſtance to be upon indifferent terms with the curate, who can eaſily

eaſily ruin any perſon or family he pleaſes. They are generally men of low extraction, little or no learning, ſometimes vicious, and often malignant.

Many examples in proof of this might be adduced, but we ſhall relate only one, becauſe the perſons are now in England, and can vouch for its authenticity. In the year 1782, a Mr. Bucarelli, of a reſpectable family in Genoa, and nearly related to a former governor of Buenos Ayres, came to Rome with his ſiſter, an accompliſhed and agreeable young lady. The curate of the pariſh ſoon after paid them a viſit of ceremony; but liking the young lady, frequently repeated his viſits, and one day, in the abſence of the brother, had the impudence to make her a propoſal that her honour obliged her to reſent. The crafty curate, fearing the conſequences, went immediately to the Cardinal Vicar, and complained that the

ſtrangers were not really brother and ſiſter, but ſomething worſe.

Without any further examination the young lady was arreſted, forced into a coach, and conveyed to the *Aſſunta*, or houſe of correction, where ſhe remained a priſoner upwards of two months, among common proſtitutes, till her brother could get an atteſtation from the archbiſhop of Genoa, of their conſanguinity, noble extraction, and irreproachable morals. In the mean time, neither the brother, or any other friend was permitted to ſee her, nor was ſhe ſuffered to write, or ſpeak to any body, except the infamous companions of her priſon. No puniſhment was inflicted upon the curate, nor any further inquiry admitted.

CHAP.

CHAP. XIV.

Of the Rota.

THIS tribunal, once ſo renowned, is compoſed of twelve prelates, called auditors of the Rota. They are of ſeveral different countries, viz. three Romans, one of Bologna, one of Ferrara, one of Tuſcany, one Venetian, one Milaneſe, one German, one Frenchman, and two Spaniards, that is, one for the kingdom of Caſtile, and one for that of Arragon. The firſt five are all appointed by the Pope, and the reſt by the ſovereigns, or ſenate of their reſpective countries, who, on any vacancy, name three or four perſons, whereof the Pope chooſes one; but, by mutual agreement, he is always to chooſe the firſt on the liſt; ſo that this is a mere formality. But the nomination of the

Tuſcan auditor is alternate; for whereas a great part of Tuſcany, or Etruria, lies in the Pope's State, he and the Grand Duke take it by turns to nominate.

They aſſemble at the Pope's palace every Monday and Friday throughout the year, except in the long vacation, and ſit in the form of a ſemicircle, according to ſeniority. The ſenior auditor, called Dean of the Rota, ſits near the centre, on his right hand the next in ſeniority, on his left the third, and ſo on alternately. Every particular cauſe is committed to the care of one of the auditors, whoſe buſineſs it is to hear and examine at his own houſe all interlocutory pleadings and proofs, and after maturing the matter, to report it in due form to the whole Rota, aſſembled as above. He is called the *Ponente*, or propoſer of the cauſe, but does not vote in the deciſion.

A printed ſtate of the caſe, drawn up by an advocate of each party, with all the

the legal arguments they can urge in favour of their reſpective clients, muſt be diſtributed to each auditor three days before the deciſion, by which means they ought to be pretty well informed of the matter beforehand. After the *Ponente* has finiſhed his report, the judges begin to vote, not by ſimply decreeing for the plaintiff, or defendant, as in all other tribunals, but each one ſtating the caſe, and adducing the reaſons of his opinion.

Upon the firſt propoſal of a cauſe, four only vote, two on the right hand, and two on the left of the *Ponente*. If three of theſe unite in opinion, the matter is over, and the *Ponente* draws up the deciſion in form; but if there are two againſt two, it muſt remain ſuſpended for another hearing, and the *Ponente* writes over the title of the cauſe *Iterum proponatur, et videant quintus et ſextus.*

In this interval, the lawyers may write again for their clients, if they pleaſe, and endeavour

endeavour to obviate the difficulties that prevented the deciſion.

When the parties and the *Ponente* are ready for a ſecond hearing, the cauſe is propoſed again, with the addition of any new matter that has been urged on either ſide. The ſame four prelates vote again, with two others, in the order above-mentioned, and if no majority appears, the *Ponente* writes over the title of the cauſe, *Iterum proponatur, et videant omnes.*

After the ſame interval, and new arguments adduced by the lawyers as before, the cauſe is propoſed a third time in the ſame manner, and then immediately after the former ſix prelates, all the reſt, except the *Ponente*, vote in their turns; and if the votes ſhould happen to be equally balanced, then the *Ponente* votes and decides the cauſe.

A long time generally elapſes before a cauſe can be brought to a final deciſion in this tribunal; for though it ſhould be

determined at any of the hearings before-mentioned, yet it is not unuſual for the ſame tribunal, upon petition and cauſe ſhewn, to grant a re-hearing. If this be refuſed, the party may apply to the Pope's Auditor, who can alone order the *Rota* to admit the petition.

It would be too tedious to enter into a minute detail of all the matters that may be brought before this tribunal. They comprehend almoſt all diſputes that relate to property, rights, and privileges, as well eccleſiaſtical as temporal. But it cannot take cognizance of any cauſe originally, unleſs it be ſpecially committed to its judgment by the Pope's Auditor, the *Segnatura di Giuſtizia*, or others having ſuch authority. It follows, therefore, that moſt of the matters here agitated are by way of appeal, not only from the tribunals of this State, but from thoſe of foreign countries: yet even in this caſe, the appellant muſt firſt apply to the Pope's Auditor,

Auditor, or other competent judge, for an order to admit the appeal.

It is, however, common enough, pending ſuits before other judges, for the Pope's Auditor, as well as the *Segnatura*, upon proper application, to enjoin the ordinary judge not to proceed without a previous vote or deciſion of the *Rota*, upon ſome particular and arduous point, neceſſary to be cleared up before a final deciſion of the merits.

Sometimes the ordinary judge is ordered to determine a ſuit entirely according to a previous vote of the *Rota*, comprehending the merits alſo; ſo that in this caſe he has only the honour of pronouncing the deciſion of the *Rota*, and ſeeing it duly executed.

A deciſion of the *Rota* is ſomething like a verdict with us, becauſe, at a future ſeſſion, the party, in whoſe favour the deciſion is, muſt apply for the ſentence or judgment upon it; but this application

tion always creates a new field of litigation. Every deciſion of the *Rota* is printed, with the arguments and reaſons upon which it is grounded; and upon application for ſentence, the loſing party will, by every ſubtilty in his power, oppoſe them, while his more fortunate adverſary will endeavour to ſupport and ſtrengthen them.

It is not uncommon, upon this new conflict, for the Rota to make a different, and perhaps an oppoſite deciſion, inſtead of proceeding to ſentence, and ſo the parties muſt go on again in the ſame *routine*.

The ſuperior integrity of this tribunal has been lately manifeſted by the deciſion of a very extraordinary and important cauſe, wherein the Marchioneſs Victoria Lepri, as guardian of her only daughter Anna Maria, was plaintiff, and the Pope himſelf defendant. The caſe, deſpoiled of all extraneous matter, was briefly this.

Charles Ambroſe Lepri, the grandfather of the pupil, by his laſt will inſtituted an entail of the major part of his eſtates and effects, to the value of near a million of crowns, in favour firſt of his ſon Joſeph, (father of the pupil) and his male iſſue; in default thereof to proceed to his ſon John, and his male iſſue; and in default thereof to his ſon Amanzio, a prieſt, (who could have no legitimate iſſue) *always excluding females during the male line.* ESCLUDENDE SEMPRE LE FEMINE DURANTE LA LINEA MASCULINA.

The teſtator died, and his ſon Joſeph entered upon the entail, enjoying it till his death, but left no other iſſue than the preſent pupil Anna Maria. John then entered, died, and left no iſſue at all. Finally, it came to Amanzio, the prieſt, who being a man of weak, if not diſordered, intellects, was prevailed upon by ſome infamous emiſſaries (as he himſelf afterwards declared) to make a formal donation

donation of the whole to the Pope, who, as formally wrote with his own hand his acceptance of it under the deed, *thanking the generous donor*.

His Holineſs and his nephews immediately took poſſeſſion of the whole, and charitably allowed the donor ſix thouſand crowns *per annum*, to live upon. At laſt Amanzio died, and left a will, revoking the donation in terms which did little honour to the donee. His will, however, is of no importance in the preſent cauſe, though he left the entailed eſtates, &c. to his niece Anna Maria, for that is not the point upon which the preſent conteſt turns.

Previous to his death, the Marchioneſs Lepri conteſted the validity of the donation with the Pope, in the tribunal of the auditor of the chamber, where ſentence was given againſt her by Monſignor Cioja, who was ſoon after promoted, and muſt now become a cardinal. She obtained an

appeal

appeal to the Rota, where, at the firſt hearing, three of the four voters were in her favour; but they were prevailed upon by the dean not to give a deciſion, but permit an *Iterum proponatur et videant Quintus et Sixtus*, out of mere complaiſance to the Pope, and to give him time to compromiſe the affair.

No accommodation enſued, and the matter came on a ſecond time, when the ſix voters declared the donation void, as far as it reſpected the right of Anna Maria, the pupil, who was the ſole heireſs after the death of her uncle Amanzio. Their deciſion was printed, and the arguments adduced in it appear inſuperable. Amanzio was only tenant for life, and the male line becoming extinct with him, the female muſt ſucceed, as was evidently the intention of the teſtator, who only excluded females *during the male line*, though he literally foreſaw the poſſibility of Amanzio's ſucceeding his two brothers,

and

and made no remainder over, nor gave him any power to diſpoſe otherwiſe.

The Rota therefore declared, that the entail was ſo far from finiſhing in the perſon of Amanzio, that it ſtill exiſted, and muſt, after his death, devolve to the only deſcendant of the body of the teſtator, Anna Maria Lepri, his granddaughter, and conſequently, that Amanzio had no right to transfer the eſtates, except during the term of his own life.

This deciſion paſſed while Amanzio was ſtill living; but he ſoon after died; and the Pope obtained a re-hearing of the cauſe, though, according to the conſtant rule of the Rota, it ought to have come on again before the ſame ſix judges, who were not likely to alter their opinions. However, the re-hearing was protracted for a conſiderable time, and the Pope in the interval promoted ſeveral of the auditors of the Rota, appointing others to

ſucceed them, by which manœuvre he altered the turn of voting, ſo that three of the former ſix judges became removed ſo far from the right and left of the *Ponente*, that they could not vote at all, their places being ſupplied by others, who were ſuppoſed more pliable.

At laſt the re-hearing came on, and the former deciſion was confirmed by five votes out of ſix; and here the matter reſts at preſent, for there being ſo conſiderable a majority in favour of the pupil, the Pope cannot bring it before the whole Rota, nor can he have another re-hearing, unleſs the ſame ſix judges agree to admit it. But he appears not at all diſconcerted, for he continues in poſſeſſion, and has refuſed to allow even a reaſonable ſubſiſtence to his female adverſary, who, it is ſuppoſed, will content herſelf with this ſecond triumph, and not cite *ad ſententiam* till after the Pope's death. In the mean time, ſhe is eſpouſed to the young Prince Altieri, of one

one of the moſt powerful families in Rome.

Upon the Pope's deceaſe, two other points will probably be inſiſted on by the Lady's advocates, who have hitherto ſtudiouſly avoided even hinting at them.

The firſt is, the inſanity of Amanzio, at the time of the donation, which can be eaſily proved by a variety of facts, by his own ſubſequent declaration in his will, and before a number of reſpectable witneſſes.

The ſecond point is, the illegality of any donation to the Prince or Sovereign, in prejudice of the next of kin, an act, expreſsly reprobated by the code of Juſtinian, which ſtill forms a conſiderable part of the Roman juriſprudence.

The admiſſion of either of theſe by the Rota, will vitiate the donation *ab initio*, and conſequently ſubject the Pope's nephews to render an account of all the rents and profits received even during

Amanzio's life-time, and pay them over to his next heireſs Anna Maria Lepri.

From what has been advanced in this chapter, the reader will be led to believe, that the prelates compoſing this tribunal are an exception to the general deſcription we have heretofore given of this claſs of gentlemen. They are obliged to deliver the reaſons upon which they ground their reſpective votes; and how can this be done, unleſs they have taken ſome pains to ſtudy the matter, together with the ſeveral points of law ariſing thereon?

We readily admit that this, upon the whole, is by far the moſt reſpectable tribunal in Rome, and that ſeveral of its members are learned, ingenious, honeſt, and induſtrious men; who do honour to the whole body of the prelacy. Theſe, no doubt, are excellent judges, and take great pains to come at a thorough inveſtigation of the matters brought before them.

Yes,

Yes, ye glorious aſſertors of the ancient Roman juriſprudence! with the moſt heartfelt ſatisfaction, to you we inſcribe this public teſtimony of our applauſe, eſteem, and veneration; and for your ſakes, ſhall omit any further obſervations on this tribunal.

CHAP. XV.

Of the Apoſtolical Chamber in general.

THE extreme complexity of this ſubject renders it neceſſary that we exert our utmoſt care and circumſpection to convey a diſtinct idea of it to our readers. Senſible of the difficulty of the taſk, and labouring under the apprehenſion of our inſufficiency, we proceed with trembling ſteps to develope this grand arcanum.

By the term chamber in general, muſt be underſtood an aggregate of miniſters, who, under various titles, are deſtined either mediately or immediately, to collect, preſerve, diſpoſe of, and defend the pontifical treaſury.

The head or chief of this body is the Cardinal *Camerlengo*, or Great Chamberlain, appointed by the Pope during life,

and correſpondent in ſome reſpects to the ancient Roman quæſtors. Next to him is the treaſurer, a prelate appointed during pleaſure, whoſe office may be aſſimilated to that of the Roman *Præfecti Ærarii*.

Theſe are the two principal members of this formidable congregation, to which are alſo united twelve other prelates, called *Cherici di Camera*, or clerks of the chamber. Theſe are, the preſident of arms, or commander in chief of all the Pope's forces; the præfect of the *Annona*, for providing the city of Rome with bread; the preſident of the *Graſcia*, for providing it with meat of all kinds; the preſident of the public ſtreets and roads; the præfect of the archives; the preſident of the mint; the commiſſary of the ſea, or admiral; the preſident of the ſeveral quays, of Rome; the preſident of the priſons; and three other prelates,

who have no other title but clerks of the chamber.

Theſe fourteen members compoſe the full chamber, and have a right to vote in all matters agitated before them; but are aſſiſted alſo by three other prelates, called the preſident of the chamber, the commiſſary of the chamber, and the fiſcal advocate, with three others, not prelates, called *Soſtituti Camerali*, or ſubſtitutes of the chamber.

Each of the above fourteen members, (except the preſident of arms) has a tribunal apart, and can hear and determine all matters, both civil and criminal, incident to his office; but from his decrees an appeal lies to the whole chamber. Only the Cardinal *Camerlengo*, as lord chief-juſtice of the whole congregation, can, in the firſt inſtance, hear and determine all matters whatever belonging to the reſt, except to the preſident of the

roads,

roads, and matters particularly reſerved to the treaſurer by the Pope's grant, or chirografo. But an appeal alſo lies from his decrees to the whole chamber, as above.

He is aſſiſted in civil matters by an auditor, who is always a prelate appointed by the Pope, and cannot be removed by the cardinal. This auditor does all the buſineſs, and though he muſt report what paſſes to his principal, yet he alone decides. In criminal matters he is aſſiſted by a lieutenant, uſually an advocate, who acts as judge; and the offences brought before him generally relate to ſmuggling, or fraudulent exportation of the products of the ſtate.

Having given this brief account of the chamber in general, we ſhall proceed to analyze its ſeveral component parts.

CHAP.

CHAP. XVI.

Of the Treaſurer—his miniſterial and judicial Authority.

THE Treaſurer may truly be ſaid to be the Pope's firſt and moſt important miniſter. His authority pervades the whole Eccleſiaſtical State; he receives and diſpoſes of all the revenues as a miniſter; and as a magiſtrate can enforce the payment of them, both by impriſonment of the debtor, and a general execution upon all his eſtates and effects, without any formal proceeding, or previous defence of the unhappy victim.

No appeal can prevent the ruin of an unfortunate family pitched upon for deſtruction, becauſe the Treaſurer alone is, in the firſt inſtance, judge of his own proceedings, as hinted in the ſixth chapter.

Whether

Whether it be the effect of chance or deſign, we ſhall not determine; but the fact is, that the prelate fixed upon for this deſpotic office, is generally the moſt improper, ſelf-conceited, obſtinate, perverſe, overbearing ſubject, that can be found in all the prelatical corps. For theſe fifty years paſt, perhaps not one can be found of a better deſcription, except the preſent Treaſurer, Ruffo, who is a man of talents and a gentleman, and but juſt entered upon his office.

One of the former treaſurers, named Meſmer, conceived the extravagant deſign of keeping all the Cameral accounts himſelf, by noting memorandums on a quire of paper, which he kept on his table for that purpoſe. The accountant-general's office was therefore uſeleſs; and he actually went there in perſon, threw all the books about the floor, and drove away the writers, declaring he had no further occaſion for them.

However,

However, though he knew how to make figures, he had never learnt addition, ſo that he could neither arrange nor ſum them up; and in leſs than a month had ſo embroiled matters, that he was obliged to give up his new plan; and it coſt the accountant-general three months to collect the proper documents, and reſtore the accounts to neceſſary order. His ſucceſſor, Canala, was notoriouſly corrupt.

The preſent Pope, when treaſurer, was proud, headſtrong, overbearing, and precipitate, and ſuch an enemy to trade, that he frequently wiſhed the mouth of the Tiber were ſhut up. His ſucceſſor, the preſent Cardinal Pallotta, was very ſlow of apprehenſion, ferocious in his manners, obſtinate, and ſo impatient of buſineſs, that he never gave himſelf time to underſtand it.

He uſed to boaſt that no papers ever remained upon his writing-table, by which he

he meant to insinuate that he always dispatched them immediately; and so in fact he did, not by weighing their contents, but by turning them over to some of his underlings to consider them, and report their opinion; the necessary consequence was, that he had never any opinion of his own, but was always a dupe to the knavery of others.

As to finance, it cannot be expected that a prelate should have the least knowledge of it, after the account we have formerly given of their education. Indeed, the deplorable situation of the treasury at this time, the enormity of the public debts, every day increasing, and the extreme scarcity of effective cash, are unanswerable proofs of the prevailing ignorance in this necessary branch of œconomical science.

The three substitutes mentioned in the foregoing chapter are the Treasurer's assistants in the execution of his office, the whole

whole State being divided into three large departments, over each of which one of them preſides. It may be ſuppoſed that theſe are capable of guiding him in the execution of his office, and while they ſupport the revenue, may prevent the oppreſſion of individuals. But, alas! the very contrary happens. Hoiſted into power from the moſt obſcure claſs of pettifogging attorneys, without education, without manners, without ſentiment—illiberal, iraſcible, poſitive, and inſolent, they generally increaſe the evil, and aggravate the ſum of human misfortune.

Their yearly ſalary does not amount to above five pounds; and though they have ſome lawful perquiſites upon the paſſing of grants in their reſpective departments, yet theſe are trifling in compariſon of the preſents they are continually receiving for their intereſt or forbearance. This is ſo notorious, that they all keep their coaches, live with ſplendor, and die rich.

It

It is the Treaſurer's peculiar province to expedite all grants of lands belonging to the Chamber, of all taxes, and of all excluſive privileges, for which a yearly ſum is reſerved; and ſuch grants are generally made for nine years. The patent or grant is always ſigned by the Pope himſelf, and called the Chirografo. It recites the offer made by the grantee, the ſecurity (if any) to be given, and the peculiar advantage that muſt ariſe to the treaſury, with all the authority and faculties neceſſary to be conferred on the grantee for the due execution of the whole.

This is directed to the Treaſurer, commanding him to execute it by a public inſtrument between him and the grantee. The ſubſtitutes draw up as well the Chirografo as the inſtrument, and have generally great influence in its ſucceſs, as well before as after its completion.

As

As to the future execution in favour of the grantee, this depends in a great meaſure upon the ſubſtitutes, who cautiouſly word every article intended to favour the grantee in ſuch ambiguous terms, as to admit of a double interpretation. On the other hand, all the covenants in favour of the Chamber are poſitive, preciſe, and obligatory. Thus a latitude is left for the ruin of the grantee at the pleaſure of the ſubſtitutes, whoſe province it is to watch over the exact performance on his part.

As long as he continues in their favour, his farm, or *appalto*, as they call it, goes on well, and he will get money; but the moment he loſes their protection, every thing goes wrong, inſurmountable obſtacles are thrown in his way, a new favourite ſtarts up, and it is a miracle if the former eſcape without total ruin.

Next to the treaſurer in point of rank, is the commiſſary of the chamber, whoſe buſineſs

buſineſs it is to write in defence of the cameral rights in any diſpute that ſhould ariſe. He alſo acts for the treaſurer, in caſe of abſence; and generally one of the ſubſtitutes is advanced to this prelatical dignity, ſo that he is already well verſed in his buſineſs; and all the farmers, or grantees of the chamber muſt take care to keep well with him, otherwiſe the plaineſt articles of their contracts will be diſputed and over-ruled.

As the chamber is poſſeſſed of immenſe eſtates, and of courſe many buildings belong to them, theſe, with all the governors houſes, fortreſſes, and other public edifices, are under the care of the Treaſurer and his ſatellites. The Architect of the Chamber, and a conſiderable ſtring of maſter-builders, are always employed in making alterations, and erecting new edifices, in which large ſums are every year expended.

Theſe all get rich, and preſerve a good underſtnading with the commiſſary and ſubſtitutes, who, according as they behave, take care to ſupport their intereſt with the Treaſurer, and he with the Pope. The architect has but a trifling ſalary, yet never fails to make a fortune in a few years; for beſides preſents, he has ſo much *per cent.* on all the maſter-builders accounts, which cannot be paid till taxed and counterſigned by him. The larger the ſum, the greater are his emoluments; there is generally a remarkable harmony between him and all the maſter-builders.

But all theſe depend, in ſome degree, on the accountant-general of the Chamber, who keeps an immenſe office for examining, ſtating, and regiſtering all the public accounts. It is abſolutely neceſſary not only for the above, but alſo for all the farmers or grantees of the Chamber,

to keep well with him, otherwiſe inſuperable obſtacles will ariſe againſt the final liquidation of their accounts, and no caſh can be touched without his *placet*. The Treaſurer never ſigns any orders for payment but ſuch as are ſent him by the accountant-general, and firſt approved of by him.

Whenever it is determined to ruin any man who has any concern with the Chamber, the account of his pretended debt is drawn out and ſigned by this officer, who generally refuſes to admit of any examination of the particular articles by the debtor. This document is ſuppoſed to be infallible, and, however grievous, muſt be ſubmitted to.

On the contrary, when any debtor is to be protected and abſolved, matters are cooked up accordingly, and placed in ſo favourable a light, that if the debt cannot poſſibly be counterbalanced, it is accompanied with ſuch plauſible arguments and

obſervations, as ſeldom fail of producing the end aimed at.

Though we ſhould acquit the Treaſurer himſelf of partiality, (which is by no means our intention) yet his total ignorance of arithmetic muſt always render him liable to be impoſed upon by the accountant-general. He is equally ſubject to be deceived by the ſubſtitutes in matters of fact, for upon their reports almoſt all his reſolutions are founded.

In ſhort, though volumes have been written on the laws of the Chamber, it is needleſs to read them, becauſe there is in fact no law at all but the will and pleaſure of its miniſters, who twiſt and torture every incident to their own private views and purpoſes.

Yet people are extremely fond of getting theſe farms of the Chamber, notwithſtanding all the dangers attending them. The reaſon is, that, for want of trade, they are ready to catch at ſhadows,

rather

rather than remain without a proſpect of getting money; and beſides this, every man flatters himſelf that he ſhall be able to keep the miniſters in his intereſt.

Theſe farms are exceedingly detrimental to the public in general, becauſe they always carry with them ſome excluſive privilege, which cannot fail of damping the public induſtry and ſpirit of enterprize. If of lands, the farmer has an excluſive privilege of exporting his produce, whenever it ſhall be deemed convenient to the State; or of purchaſing corn within a certain extenſive diſtrict, and ſelling it out again as he pleaſes. If of taxes, he has it in his power to oppreſs whoever he pleaſes, and can levy an execution by his own authority, ſubject only to an appeal to the Treaſurer, which cannot impede the execution. If of any particular branch of induſtry, ſuch as making of bread in any particular town, ſalt, gunpowder, allum, &c. it muſt certainly be

ſo far detrimental to the people in general, and employ many hands leſs than would otherwiſe be engaged in the manufacture.

Under the Treaſurer, there are two congregations held whenever he pleaſes. One is called the Cameral Congregation, and compoſed of the Treaſurer himſelf, three clerks of the chamber, the preſident and commiſſary of the chamber, the fiſcal-advocate, the three ſubſtitutes, and the accomptant-general. Here ſuch matters are treated of as the Treaſurer thinks proper to lay before them, relating to any farm whatever belonging to the chamber, whether contentions, or otherwiſe.

The ſecond is the congregation of accompts, compoſed as above, which is limited to judge of all matters of account. If there be no diſpute, it is merely to authenticate current accompts; and if there be, it is to determine it. But as not one of the congregation underſtands arithmetic,

arithmetic, except the accomptant-general, there can be no inveſtigation of what he delivers in; though ſome particular article in diſpute may be debated, and is always determined as previouſly agreed upon between the Treaſurer, the ſubſtitutes, and the accomptant-general.

If a farmer be a favourite of theſe, it is not uncommon for him in this congregation to get a defalcation of two or three thouſand pounds from the ſum he ought to have paid. The matter in fact is previouſly adjuſted, and this congregation is only to give a more plauſible colour to it. If, on the contrary, he is to be ſacrificed, whatever reaſon or equity may aſſiſt him, he is ſure of being ruined, though an angel from heaven were to plead in his behalf.

An appeal, however, lies from hence to the whole chamber, where the Cardinal-chamberlain, who is the moſt unprejudiced perſon, ſeldom appears, and the reſt

of the members, as before related, are immediately or remotely intereſted in ſupporting what the Treaſurer has done, becauſe from their own proceedings and decrees, an appeal lies to the ſame tribunal. Previous to the bringing any cauſe before it, the pleadings are made before one of the clerks of the chamber, called *il Menſario*, becauſe they take it by turns, each to act for one month throughout the year.

All public farmers, their miniſters, ſervants, and even every one ſubject to perform, or to pay any thing to them, are under the Treaſurer's immediate juriſdiction; ſo that all civil and criminal matters relating to any of them, and all contraband of every kind in contravention of the farms, are equally objects of his judicature. For the hearing of ſuch matters, he keeps an auditor for civil cauſes, and for criminal offences, an advocate, called his criminal lieutenant, who has

the

the ſame power heretofore deſcribed as belonging to ſuch officer.

On the eve of the feſtival of St. Peter, the whole chamber is aſſembled, and the Cardinal chamberlain preſides in perſon. It is on this day, and before this aſſembly, that all high rents are paid, and all ſuits and ſervices performed by the feudatory grantees of the chamber for the lands they reſpectively poſſeſs. If this be neglected, the lands devolve immediately to the grantor,

CHAP.

CHAP. XVII.

Of the Preſident of Arms, and Commiſſary of the Sea.

THE firſt of theſe prelates is commander in chief of all the Pope's forces, as before obſerved. His command extends over all troops in the reſpective garriſons, as well in Rome as elſewhere, except thoſe of the Caſtle of St. Angelo, and the caſtles on the ſea-coaſt. He has no authority to judge of civil ſuits, but all criminal offences committed by ſoldiers are heard and determined by him, and for this purpoſe he keeps a criminal auditor, who proceeds as other criminal judges. But in capital caſes it is uſual to ſtrip the delinquent of his regimentals, and conſign him over to the common judge.

Though

Though it cannot be expected that this prelate ſhould underſtand any thing of military affairs, yet no commanding officer can take any material ſtep without him. Returns are as regularly made to him as to any other commander in chief, and reports of every thing that paſſes in each reſpective regiment. He delivers out his orders, which muſt be obeyed, and, in ſhort, ſuperintends every military corps.

The troops in Rome are about twelve hundred, and about twice as many in other parts of the ſtate. But beſides the regular troops, Rome and every other place has its militia, which are ſeldom called out, and never properly exerciſed. They amount, however, to a very conſiderable number, and in former times have made ſome figure againſt the Pope's enemies. At preſent, there is ſo total a neglect of diſcipline, as well among the ſoldiers as the militia, that neither deſerve any fur-

ther

ther notice. The commiſſary of the ſea is governor of the caſtle of St. Angelo, and the few troops kept there are ſubject to his command. He is alſo ſuperintendant of the caſtles and towns on the ſea-coaſts, and admiral of the Pope's galleys. He goes once a year to Civitta-Vecchia, to ſee three of them armed and got ready for ſea, and gives his orders to the commodore what cruizes he is to perform. They navigate in the ſummer only, being by no means fit for rough weather. Their buſineſs is to keep the coaſts clear of the Barbary cruizers, wherein they ſeldom ſucceed, for not a ſummer paſſes, but ſome ſmall trading veſſels are taken by the Barbary half-galleys, cloſe in with the Pope's coaſt.

Two years ago, one of theſe half-galleys was diſcovered by two of the Pope's galleys in a ſmall bay, near the mouth of the Tiber, and though there was little or no wind, they contrived to let her get

clear

clear off. The Turks rowed fairly round the galleys, and fired ſeveral volleys of ſmall arms into them, which ſo terrified the crews, that not a man could be found to ſtand to his quarters, or make the leaſt reſiſtance: all was confuſion, terror, and diſmay. The two galleys had on board them eight hundred men, (comprehending ſlaves) and the Turks were no more than ſeventy. If they had been bold enough to board the galleys, ſword in hand, they would infallibly have taken them both.

CHAP.

CHAP. XVIII.

Of the Præfect of the Annona.

THE authority of this miniſter is very great, extending over the whole ſtate, except the legations, and influencing in a very ſenſible manner the moſt uſeful of all arts, that of agriculture. The inſtitution of the office is to provide the city of Rome with wheat; and ſo great is the power annexed to it, that the whole agriculture of the country is held in the moſt abject ſlavery to this ſingle object.

However neceſſary ſuch an officer might have been in the time of Auguſtus, who firſt inſtituted it, when the corn of all Italy was not near ſufficient for its numerous inhabitants, the caſe is ſo very much altered at preſent, that the Pope's State only, if properly cultivated, might be

be ſufficient to ſupply all the markets of the Mediterranean. But the tyrannical laws of this Annona have reduced the ſtate of agriculture to ſo low an ebb, that the people are often in danger of ſtarving, for want of a ſufficient quantity of corn.

The firſt and great pervading law of this abominable inſtitution is, that no corn whatever can be exported, but by the Præfect of the Annona, or by his leave; nor can it even be removed from one pariſh to another without his conſent, unleſs it be to convey it to Rome. If any corn be found tranſporting from one pariſh to another, in any road that does not lead directly to Rome, it may be ſeized as contraband, and confiſcated to the uſe of the Annona. Neither is it lawful to ſell corn to an individual, whenever the Præfect pleaſes to order the proprietor to keep it at his diſpoſal.

Immediately

Immediately after the harveſt be got in, every proprietor of corn is obliged to deliver in to the Annona, an exact account upon oath of the quantity he poſſeſſes, and where it is depoſited. If any part of it be concealed, or tranſported elſewhere, it is confiſcated. In ſhort, the Præfect is abſolute maſter of all the corn produced in that extenſive part of the ſtate ſubject to his juriſdiction.

The annual conſumption of the city of Rome, is about one hundred and fifty thouſand quarters, the major part of which is, from time to time, bought up by the Præfect, at whatever prices he pleaſes; for though he does not expreſsly oblige the proprietors to ſell at his price, yet he does the ſame thing in effect, by prohibiting them from ſelling to any other buyer.

Sometimes he will tie up their hands in this manner, till the next harveſt, without

out declaring positively whether he will buy it or not, and perhaps at last declaring in the negative. It is true, he does not always prohibit them from selling to others, or order them to keep their corn at his dispoſal (which is the ſame thing) but he *may* do it whenever he pleaſes.

If he chooſes to enrich any of his favourites, he will give them leave to buy up a quantity of corn, and export it, from which great profits generally ariſe, on account of the miſerable prices paid to the poor proprietor. Theſe licenſes are called *Trattas*, and are ſometimes ſold by the Præfect's miniſters and ſervants, to the beſt bidder, though it muſt not be preſumed that the maſter knows they are ſold, as they ought to be given gratis, if at all.

It was hinted in the ſixteenth chapter, that the farmers of the chamber have often in their contracts a privilege granted them to export a certain limited quantity

of corn; yet, notwithſtanding this, it depends entirely on the Præfect of the Annona, whether he will grant his licenſes, or *trattas*, without which the contract ſignifies nothing, though ever ſo expreſs and poſitive.

Subject to this miniſter are alſo all the bakers of Rome, nor can any new bake-houſe be opened without his leave. The general rule is to deliver out corn to them at ſeven crowns *per rube*, equal to about thirty-two ſhillings and ſix-pence the Engliſh quarter, and they are obliged to ſell eight ounces of bread for one *bajoc*, or a half-penny.

In years of ſcarcity this rule is not always obſerved, for ſometimes the bakers are obliged to pay ſeven crowns and half, or eight crowns for their corn, and then they are allowed to lower the weight of the bread half an ounce or an ounce.

But it does not always happen that the Præfect gets his corn at theſe prices, for in

in years of remarkable ſcarcity, he has vouchſafed to pay as far as nine or ten crowns *per rube.* Yet the prices to the bakers are ſeldom altered ſo as to exceed eight crowns, and of courſe the weight of bread remains as above. This has often happened within theſe laſt ten years, and the Annona has run in debt upwards of two millions of crowns, or about four hundred ſixty-five thouſand, one hundred ſixteen pounds ſterling.

In all probability this debt will continue to increaſe, for it ſeldom happens that the Præfect has the conſcience to pay leſs than ſeven crowns for his corn, and it follows, that a conſiderable ſum muſt every year be loſt, even at this rate; for beſides the expences neceſſarily attending the tranſporting and turning of corn, to keep it from the weevil, at leaſt four hundred perſons are employed under the Præfect. Theſe have all ſmall ſalaries, and fine perquiſites, as may naturally be

imagined, from the great authority they have over all the country people.

When a farmer happens to be in diſtreſs, which is often the caſe, the Annona will lend him a ſufficient quantity of ſeed-corn to ſow his land, and money to go on with his cultivation; but beſides an abſolute mortgage of his crop, a good collateral ſecurity muſt be given. When he intends to reap his corn, he muſt give notice to a miniſter of the Annona, who keeps a ſtrict eye upon him, and when depoſited in his granary muſt have the key of it in his cuſtody till the debt be paid. Neither can the proprietor ſell or diſpoſe of any part of his crop, till the Præfect of the Annona has refuſed it, ſo that he is often in a worſe condition than before.

After what has been ſaid on this tyrannical office, it may be eaſily conceived that all the reſt of the country muſt be ſacrificed to the mere conveniency of the

city of Rome. It muſt be a difficult matter to perſuade people to riſk large ſums in the cultivation of corn, when another is to be abſolute maſter of the produce, and diſpoſe at his pleaſure of the fruits of their expences, toils, cares, and anxieties, which, for full eight months in the year, have occupied all their attention.

The leaſt diſobedience of the rules and orders of the Annona, is puniſhed with the utmoſt rigour, by fine, impriſonment, confiſcation, or perhaps even corporal puniſhment. The Præfect is the only judge of his own proceedings, nor can any redreſs be had but from himſelf, though, as branch of the chamber, an appeal lies to the whole congregation.

The ſtate of agriculture in general is accordingly languiſhing to the verge of ruin. The country preſents a dreary proſpect of waſte, deſolation and neglect: the farm-houſes are but few, and thoſe,

for the moſt part, tottering to pieces for want of repair; the labouring people miſerably clad, and badly fed, exhibit the moſt rueful, ſqualid appearance; and cattle but thinly ſcattered over immenſe paſtures, all announce the baneful effects of prieſtly government.

The preſent Grand Duke of Tuſcany, at his acceſſion to the throne, found the ſame inſtitution of the Annona; but this ſagacious prince ſoon perceiving the fatal effects of it, entirely aboliſhed it, and left every one abſolute maſter of the produce of his own induſtry. His ſtate is become a perfect garden, the country people appear well clothed, healthy, and contented; and many of them are rich. The villages and farm-houſes are gay, and well built, and the vineyards, plantations, and cornfields excite the moſt agreeable ſenſations. But this glorious example is loſt upon the Pope's State.

CHAP.

CHAP. XIX.

Of the Preſident of the Graſcia.

THE prelate who preſides over this department, which forms another branch of the Chamber, has the care of providing the city of Rome with meat of all kinds, as the term *Graſcia* imports. His power is much like that of the Præfect of the Annona, but inſtead of buying up cattle for the conſumption of the city, he only obliges the proprietors to bring the quantity he orders to Rome, and when arrived there, he fixes the price that the butchers are to pay them. For this purpoſe he has under him a conſiderable number of miniſters, called *Precettatori*, or commanders, who traverſe the country, and take exact accounts of the number of cattle belonging to every individual.

Theſe are reported to the Preſident of the *Graſcia*, who thereupon, at proper ſeaſons, ſends back the ſame miniſters to deliver an order or precept to every proprietor, commanding him to ſend a certain quantity of cattle to Rome by ſuch a day. When the day arrives, they are all aſſembled in the Campo Vaccino, where the Preſident appears in perſon; and tho' as ignorant of cattle as of the Chineſe language, fixes the prices at which every proprietor is obliged to ſell to the butchers.

Theſe accordingly appear, and buy, if they pleaſe; but it often happens that a conſiderable number remains unſold. In this caſe, the owner muſt keep them at his own expence, till it ſhall pleaſe the Preſident to permit him to take them away, which is ſeldom till after ſeveral days, are elapſed. He then conveys them back to his own premiſes, perhaps a hundred miles diſtant, but with an advertiſe-

ment to bring them to Rome again on the firſt notice.

Horned cattle, indeed, are generally, though not always, all ſold; but nothing is more common than to ſee large droves of lambs and pigs returning unſold, to the intolerable grievance and expence of the owners. They frequently complain, as well of this as of the prices fixed, but there is no remedy; and if they grumble, the Preſident will perhaps order them to be chaſtiſed with the cord.

Great ſeverity is alſo uſed whenever a proprietor of cattle neglects to obey the precept for bringing them to Rome. He may be puniſhed by fine, impriſonment, confiſcation, or the cord, at the will of the preſident. It is always thought prudent to order a much greater quantity than can be conſumed, in order to impreſs an idea of abundance, and make this an excuſe for fixing low prices.

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The *Precettatori* generally get fine perquiſites from the owners of cattle, for ſetting down a leſs number than they really have, or excuſing ſome from ſending any to Rome. Thoſe that will not, or cannot take this method, are treated with rigour, and obliged to ſend perhaps all they have.

It is well too, if they are not obliged to take them back again, after a long and expenſive journey.

No cattle can be ſent out of the State, without a licence from this Preſident, which is very ſeldom granted; nor can ſalt pork, or bacon be exported without the ſame leave. This muſt alſo be ſent to Rome whenever ſo ordered, and the price is fixed at the will of the Preſident; or, which is the ſame thing, he will oblige the proprietor to keep it in Rome, as long as he pleaſes, at his diſpoſal, in caſe he will not accept the price offered.

The market for cattle, (if it may be ſo called)

called) is held in the Campo Vaccino, every Friday, and here all the butchers provide themſelves. The Preſident fixes the price of meat, to which they are obliged to conform. He alſo fixes the retail price of ſalt-pork, bacon, lard, and tallow candles; but that of eggs is fixed every Wedneſday, in the market held in the *Piazza Nuvona*, by the auditor of the cardinal-chamberlain, who is lord of the market.

But we muſt not omit another material part of the Preſident's authority. He is abſolute maſter of all the oil produced in the State, and ſends out his precepts for its conveyance to Rome, where it is depoſited in ciſterns, or rather wells made in the ground. It is generally of bad quality, and if good when it arrives, it ſoon becomes bad by being kept in the wells, and mixed with other oil.

It muſt be brought to Rome at the expence

pence of the proprietors, without knowing what price it may pleaſe the Preſident to pay for it, which is very often a quarter, and ſometimes a third, leſs than the current price at the place where it was produced, though perhaps a hundred miles or more diſtant. The Preſident ſells it out again to the retailers at what price he pleaſes, and they are obliged to re-ſell it at the price he fixes, which always comprehends a reaſonable profit.

It is highly criminal to conceal any oil, or even tranſport it from one pariſh to another without the Preſident's leave in writing, and under his ſeal of office. But to ſend it to any of the confines, either of Tuſcany or Naples, or export it by ſea, is abſolutely unpardonable, and may be puniſhed capitally, if the Preſident pleaſe. The proprietors of olive groves are always ſo cruelly treated, that they let them run to ruin, and often thank God

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when the crops fail, as it frees them for that year from the perſecution of this miniſter.

Though no part of Italy can be more favourable than the Pope's State for the cultivation of olives, yet ſince the Chamber has thought proper to monopolize oil, the plantations are ſo notably decreaſed, that the Preſident is obliged, almoſt every year, to get a large quantity from Naples.

CHAP.

CHAP. XX.

Of the Preſident of the public Streets and Roads—the Præfect of the Archives—the Preſident of the Mint—of the Quays—of the Priſons.

IT is the province of the Preſident of the public ſtreets and roads to watch over all thoſe of Rome and its diſtrict, to which his juriſdiction is, ſtrictly ſpeaking, limited. But he is often deputed by ſpecial commiſſion from the Pope to ſuperintend the roads in other parts of the State. His duty is to be particularly careful to keep the ſtreets of Rome clean and well paved; and the ſeveral proprietors of the houſes in each reſpective ſtreet are taxed pretty heavily for this purpoſe.

No preciſe tax is fixed to be paid yearly, but a certain determinate ſum is impoſed

impoſed on each proprietor, at the pleaſure of the Preſident, who is inveſted with full authority to enforce the payment. For the repair of the conſular highways in the diſtrict of Rome, building or repairing of bridges, &c. a tax is laid in the ſame manner on the proprietors of land in general.

If the road be not conſular, but a particular road leading to a village, whoſe inhabitants only are ſuppoſed to enjoy the benefit of it, then the lands within the precincts of the place are taxed for its ſupport. But beyond the diſtrict of Rome, it is uſual to tax the reſpective communities for the repair of the conſular roads in a groſs ſum, according to the extent of their reſpective diſtricts.

The Preſident is aſſiſted by two noble Romans, called Maſters of the Streets, named annually by the Pope; and for determining civil diſputes, and offences deemed nuiſances, by an auditor, the

fiſcal-advocate, and the fiſcal-procurator, who, together with the former, compoſe a congregation for the purpoſe.

Turnpikes have never yet been thought of; and though, perhaps, no country in Europe is ſo heavily taxed for the repair of the roads, yet thoſe of the Pope's State are in general infamouſly bad, and in the winter often impaſſable.

The Præfect of the Archives is a prelate appointed to ſuperintend the public archives of the State, and keep them regiſtered in proper order. Every notary-public is obliged, at leaſt once a year, to ſend to his office duplicates of all the inſtruments drawn up by him in the courſe of the year. He has power alſo to puniſh notaries for any default or negligence in the execution of their profeſſion.

The Preſident of the Mint has the care and ſuperintendance of the coinage of all money and medals, both which are bet-

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ter coined here than in moſt other countries in Europe. The Pope's mint is exceedingly well contrived, and the machines worked by water. This Preſident has alſo an inſpection over all the gold and ſilver-ſmiths in Rome, to ſee that no more than the proper alloy be intermixed.

The particular province of the Preſident of the Quays of Rome, is to ſuperintend the embarkation of goods, in order to prevent the exportation of contraband articles. We do not find that he has any thing to do with the debarkation of goods from abroad, unleſs it be to regulate the turn of any veſſel that is to be unladen, or decide any little diſpute that may happen among the people concerned, with reſpect to the manner of diſcharging.

There are two quays, or landing-places, in Rome; one called *Ripa Grande*, where all goods coming from the ſea muſt be landed; and the other called *Ripetta*,

which receives all the inland products. Over each of these this officer presides, and can determine any matters, whether civil or criminal, that arise in the course of lading or unlading, or that relate to the internal or external commerce carried on at the quays.

To assist him in the determination of disputes arising at the *Ripa Grande*, there is a Roman gentleman, called the Camerlengo of *Ripa Grande*; and for matters arising at the quay called *Ripetta*, his own auditor is the immediate judge. An appeal lies from each of these to the president himself, and from him to the whole Chamber. He is also denominated secretary of three different aqueducts, named the *Paola*, *Felice*, and *Virgine*, and, as such, has authority not only to superintend them, but to decide any questions that may arise concerning them.

The President of the Prisons is always one of the last four clerks of the Chamber

ber. His office continues for one year only, and then devolves to the next, and ſo on in rotation between theſe four. His buſineſs is to decide the validity or nullity of impriſonments for civil debts or cauſes; to order poor priſoners a proper maintenance; to admit them to a general ceſſion or renunciation of their effects; and to grant them time for payment, according to a law of Paul V. reſpecting theſe matters.

From his decrees, however, an appeal lies to another tribunal, called the *Full Viſitation of the Priſons*, compoſed of the Governor of Rome, the ſame Preſident of the Priſons, the Advocate of the Poor, and a few others, who meet together as occaſions require.

CHAP. XXI.

General Corollary reſpecting the Chamber.

HAVING thus deſcribed the Chamber in general, and defined its ſeveral component parts, it may not be improper to make ſome reflections clearly deducible from the whole.

It appears that the Chamber, either mediately or immediately, muſt affect the whole community in ſome of its moſt important concerns, particularly agriculture and commerce, both internal and external. That as well theſe as perſonal liberty lie very much at the mercy of the Cameral Miniſters, whoſe power preſſes directly upon every ſubject poſſeſſed of property, and relatively upon all. That the diſtribution of excluſive privileges, and all farms belonging to the Chamber, lies principally,

principally, if not entirely, in their hands; and that even the conduct and management of theſe, when granted, are ſubject to their immediate inſpection and controul. That the very ſubſiſtence of the people depends entirely upon them, and the plenty or ſcarcity of every article neceſſary to life upon their prudence, judgment, and vigilance.

It is unneceſſary to deſcant upon the importance of theſe objects. They affect the vitals of ſociety; and, therefore, though we could not applaud the conſtitution, we have freely and impartially touched upon the execution of its reſpective parts. But as ſo great a latitude is given for the exerciſe of arbitrary power, it was not poſſible to convey a tolerable idea of it to our readers, without deſcribing the general character of the actors in ſo important a ſcene.

We do not heſitate to admit, that many of the prelates are morally honeſt,

well-meaning men; and though ſome exceptions muſt be made by every one that knows Rome, yet, perhaps, it may be generally admitted, that the major part of them do not err wilfully. Their want of a proper education, and the ignorance neceſſarily conſequent upon it, cannot by any means be denied.

Theſe defects muſt unavoidably ſubject them to the artifices and miſrepreſentations of their underlings, who at firſt deſtitute of fortune, always unambitious of fame, and ſtrangers to the delicate feelings of humanity or honour, ſeek nothing but their own advantage, and ſtick at nothing to accompliſh it,

CHAP.

CHAP. XXII.

Of the Majordomo of the Pontifical Palace.

WE have formerly mentioned this prelatical dignity as a certain road to a cardinal's hat. The Pope's Majordomo is called alſo Præfect of the palace, wherein he is the prime director and manager. He receives all moneys deſtined for the expences of the Palace, and pays all accounts of thoſe appointed to provide whatever be neceſſary for the Pope's table, and for the maintenance of all thoſe who have a right to it, belonging to the palace.

All additional buildings and repairs are ordered and paid by him; ſo that beſides the Pope's immediate ſervants and domeſtics, all purveyors, artificers, and labourers, employed by him, are ſubject to

his excluſive juriſdiction, as well in civil as in criminal matters, whereof he is the immediate judge; nor can any appeal be had from his decrees but to the Pope's Auditor. He is alſo judge of his own proceedings; ſo that whoever ſhould apprehend himſelf aggrieved, either in matters of accompt or otherwiſe, has no remedy but to apply to him, ſubject only to an appeal as above.

In his judicial capacity he keeps two auditors, one for civil and another for criminal matters, who take cognizance thereof in the firſt inſtance; but from their determination an appeal lies immediately to the Majordomo himſelf. In civil cauſes, however, it is in the breaſt of the Auditor whether he will admit an appeal or not; and if he thinks proper to admit it, he deputes the judge who is to determine the appeal for the Majordomo, and who is generally ſome other prelate.

This miniſter preſides in the ſame manner at Caſtel Gundoffo, a pretty village, twelve miles from Rome, where the Pope has a large palace for his country reſidence. He alſo nominates the governor and ſome other ſubordinate officers of the village; and by a law of Benedict XIV. has the ſuperintendence and care of the famous Pantheon at Rome, commonly called the Rotonda.

If any debtor or malefactor ſhould take refuge in any part of the Pope's palace, he cannot be arreſted without previous leave of the Majordomo, who may, if he pleaſe, take cognizance of the matter himſelf. He may alſo grant letters of licenſe or ſafe-conduct to ſuch refugees, which are a ſufficient protection againſt all other tribunals, and no remedy can be obtained in ſuch caſe.

CHAP.

CHAP. XXIII.

Of the Congregation del Buon Governo, *or good Government.*

THIS Congregation is compoſed of a cardinal called the Præfect, ſome other cardinals who have authority from the Pope to come and vote if they pleaſe, twelve prelates called *Ponenti*, and one other prelate called the ſecretary. Their province is to ſuperintend and regulate all the communities of the State, excepting thoſe of Bologna and its territory, which were ſubjected to the cardinal-legate, by a particular law of Benedict XIV. who was himſelf a Bologneſe.

We have nothing preciſely like theſe communities in England, though our corporations in cities and borough towns, come the neareſt to them. In every place

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in the Pope's State, where there is a governor, whether prelate or mere ſecular, there is always a community, compoſed of ſome of the principal inhabitants, ſometimes forty or more, according to the conſtitution of the place.

They were originally formed by authority of the Popes, though not by charter, and as the members drop off, their places are ſupplied by others, choſen by the majority of the whole body. They have magiſtrates, generally four, choſen by the reſt, who continue in office for three or four months, according to their particular conſtitution. Their Preſident is always the governor, and they have a notary for ſecretary.

They generally poſſeſs lands, and have always a conſiderable income, proceeding from the taxes they are authorized to levy by this congregation, and from farming the public bake-houſe, the butchery, and what they call the *Pizzicaria*, which is

is an excluſive privilege of ſupplying the inhabitants with ſalt-fiſh, pork, bacon, lard, cheeſe, butter, and oil. Theſe three branches belong excluſively to the community, nor is it lawful for any one to ſell bread, butchers meat, or the articles appertaining to the *Pizzicaria*, but the reſpective farmers, or renters of the community.

The uſe they make of their income is, to pay the Pope's taxes in groſs, as formerly mentioned; to pay a phyſician choſen by themſelves, a yearly ſalary, generally from twenty to forty pounds; to pay their ſecretary, and governor (if he have any ſalary) to repair their own roads, and to celebrate an annual feſtival in honour of the tutelar Saint of the place. If after this any money remain, it is either depoſited for ſome future exigency, or lent out at intereſt, at the diſcretion of the Congregation *del Buon Governo*.

They

They are aſſembled in council whenever the Governor thinks proper, or upon application made to him by the magiſtrates for that purpoſe. Two thirds of the members actually preſent muſt agree, to form any reſolution, and they vote, or rather ballot, by white and black balls, the former being affirmative, and the latter negative.

The ſubject of their deliberation is previouſly prepared by the magiſtrates, and read by the ſecretary, upon which every member may deliver his ſentiments, and finally it is put to the vote. Though any other matter may be ſtarted and debated by the members, yet the Governor is not obliged to put the queſtion upon it; but he may, if he pleaſes, and may order the ſecretary to regiſter both the queſtion and the reſult. The affairs they treat of, are relative only to their own intereſts, for in matters of government or police they cannot interfere.

They

They are obliged to meet yearly on the thirteenth of December, to confirm their own dependants, or chooſe others as they pleaſe, that is, the phyſician, the ſecretary, and a bailiff, with ſervants, if they have a right to keep any. The phyſician is obliged to attend, and preſcribe for all ſick people, without exacting any fee, and if he behaves well, is ſeldom removed, though he runs the riſque of it every year.

At this meeting, offers in writing are received for all the farms belonging to the community, who cannot grant them for more than one year, without ſpecial permiſſion of the congregation. As to the bake-houſe, butchery, and *Pizzicaria*, he that offers to pay moſt rent, and ſell the reſpective articles cheapeſt generally ſucceeds.

But all the reſolutions muſt be tranſmitted to the Congregation, who may annul, or approve of them as they pleaſe; or order one that did not appear before,

or

or one that was excluded, to be preferred in any of the farms, to which the community muſt ſubmit. The Congregation may alſo order any phyſician or other dependant that has been excluded, to be admitted in preference to thoſe choſen by the community.

In ſhort, the Congregation is deſpotic over all the communities, and can tax them, and diſpoſe of their income at pleaſure. There is no appeal but to the ſame Congregation, nor can any community lay out above twenty crowns on any urgency whatever, without their previous leave. The magiſtrates have nothing to do with the adminiſtration of juſtice, which belongs entirely to the Governor, ſo that they are more properly ſtewards of the community.

Sometimes the Congregation, not approving of the offers made and agreed to for the farm of the bake-houſe, butchery, and *Pizzicaria*, will order the magiſtrates

magiſtrates to carry on the reſpective branches for account of the community; but at the ſame time generally oblige them to ſell at ſuch low prices, that a great loſs muſt enſue, and a conſiderable debt be incurred. If the communities were at liberty to manage their own intereſts, in all probability they would be better conducted, though it would be better ſtill to aboliſh all excluſive privileges of vending the common neceſſaries of life.

At all events, the notable management of the Congregation may be judged of, when we reflect, that the debts of the reſpective communities under its juriſdiction, amount to thirty millions of crowns, or ſix millions nine hundred ſeventy-ſix thouſand ſeven hundred and forty-four pounds ſterling.

This immenſe ſum is erected into ſo many actions, or *Luoghi di Monte*, for which the communities pay an intereſt of

of three *per cent.* and the debts are ſtill increaſing every year. The proprietors of theſe actions or funds have no other ſecurity but that of the reſpective communities, who are almoſt all on the verge of bankruptcy.

As in other Congregations, ſo in this, the ſtate is divided into as many diſtricts as there are *Ponenti*, and each of them manages and refers to the Congregation, the matters of the ſeveral communities within his department. All cauſes wherein any community is concerned, belong excluſively to this Congregation, from which there is no appeal; but a re-hearing may be obtained before the ſame judges.

There is one particularity unknown in England, practiſed as well by this as by all other tribunals of the State. They receive by poſt anonymous memorials, complaining of the magiſtrates or officers of communities, of governors, or of private perſons, and ſometimes taxing them

with heinous offences. Theſe are uſually ſent to the governors, but ſometimes to private people, with orders to return them to the Congregation, with information on the ſubject.

If the perſon who is to inform (who is always kept ſecret) have any private pique to gratify, and ſhould confirm the matter complained of, or make uſe of dubious expreſſions, partly admitting, and partly refuting the fact, the party complained of is ſure to be proſecuted upon no other foundation; and if he cannot prove negatives, and make his innocence very clear, will be puniſhed. This is often attended with great expence, and ſometimes ruin, though a perfect acquittal ſhould enſue.

A gentleman * of good family and fortune, in a large town in the province of the Marca, was, a few years ago, ac-

* Signior Gio. Battiſta B—zi, now military Governor of C—a-V—a.

cuſed in this manner, of having murdered his Valet de Chambre. The memorial was tranſmitted to the *Sagra Conſulta*, who ſent it back for information to the Governor of the place, who, it afterwards appeared, was himſelf the author of it.

His information was of courſe by no means favourable to the gentleman accuſed, and he was thereupon ordered to repair directly to Rome *ad audiendum Verbum Sacræ Conſultæ*. He immediately obeyed, and appearing before the *Ponenti*, was told the nature of the fact he was charged with. He proteſted his innocence, and being known to the *Ponenti*, was aſſured he ſhould not be committed to priſon, if within a ſhort time preſcribed him he could exculpate himſelf.

The Valet de Chambre in queſtion had quitted the gentleman's ſervice ſome years before, nor had he ever ſeen or heard of him ſince. Every poſſible diligence was

uſed to find him out, but in vain; and the time approaching for impriſonment, the Gentleman reſolved to ſecrete himſelf in a friend's houſe to avoid it. He remained ſhut up in this manner for two years, during all which time he had emiſſaries in almoſt every part of Europe in queſt of the Valet. At laſt he was found in Germany, and brought to Rome, where, being properly recognized, the affair was dropped.

It coſt the gentleman three thouſand pounds ſterling, beſides the injury to his reputation and private affairs, during ſo long a confinement. With infinite pains and diligence, he at laſt clearly diſcovered the author of the memorial, who was indeed removed from his office, and fined, but never paid a farthing. This relation we had from the gentleman's own mouth, for he is ſtill living, and in an honourable poſt.

CHAP.

CHAP. XXIV.

Of the Congregation of St. Ives.

THIS is one of the beſt inſtitutions in Rome, for it is to proſecute, or defend, the civil cauſes of thoſe who cannot afford to do it at their own expence, in whatever tribunal it may be proper to litigate. It conſiſts of a Cardinal Præfect, who is choſen by the congregation; a Prelate Secretary, choſen in like manner, and as many advocates and attorneys as chooſe to be members, being firſt approved of by the majority. They are a corporation, and poſſeſs lands and public funds, given them at different times by pious benefactors. They meet every Sunday evening, and the Cardinal Præfect and Secretary are ſeldom abſent.

When any perſon wants the aid of this congregation, the method is to apply by petition, which is introduced by one of the members, and read at the firſt meeting. If the circumſtances of the petitioner be not already known, one or two of the members are deputed to make proper enquiry, and report the reſult. The claims and arguments of the petitioner are debated, and if found ſufficiently plauſible by a majority, the petition is admitted, and regiſtered by the Secretary.

An advocate and an attorney, members of the body, are then immediately deputed to take upon them the cauſe of their client, without any fee or reward whatever; nor can any preſent be taken under any colour or pretence. All fees of courts and public offices, with the expence of journeys, &c. if neceſſary, are paid by the congregation; and thus the matter

matter is finally brought to ſome concluſion.

At every meeting the acting advocates and attorneys muſt report the progreſs and ſtate of their reſpective cauſes, and are inſtructed by the congregation what further ſteps to purſue for the benefit of their clients. They will proſecute appeals too, if judged neceſſary; but when, in the courſe of proceedings, they perceive that their client is in the wrong, they will advertiſe him of it, and drop any further interference, or make the beſt terms they can for him, provided he deſires it.

To acquire the aſſiſtance of this congregation, it is not neceſſary that a perſon be reduced to abſolute poverty, it being ſufficient that he cannot afford the expence of a law-ſuit, without retrenching the neceſſary charge of his own or family's maintenance. Many of the poor

nobility are frequently their clients, for it is deemed no diſhonour. The worſt of it is, that the cauſes they undertake are frequently neglected, and conſequently protracted to an unreaſonable length, to the great prejudice of the poor clients.

To remedy this, and animate the lawyers to become of this congregation, Pope Benedict XIV. (Lambertini) had actually drawn up a conſtitution, declaring that ſome of the principal poſts in his government ſhould be always conferred on them only; but by ſome fatality it was never promulgated. However, many of the firſt advocates and attorneys in Rome are always members, though they are not generally ſo active as in cauſes they are paid for.

The Pope has little to do with this congregation, but will ſometimes order them by reſcript to undertake the defence of ſome poor client. It is conſidered as a pious

a pious inſtitution, and therefore ſubject to an apoſtolical viſit whenever the Pope thinks proper to inquire into the ſtate of their affairs. St. Ives is ſaid to have been an advocate, and is the tutelar ſaint of the lawyers,

CHAP.

CHAP. XXV.

Of Agriculture.

WE touched upon the ſtate of agriculture when treating of the Annona, but the object is of ſo much importance as to deſerve a more particular inquiry. Land being the ſource of all animal ſubſiſtence, and of every kind of induſtry, its proper cultivation is of the utmoſt conſequence to ſociety. Wherever this be miſtaken or neglected, the effects muſt be proportionably fatal; and where properly attended to, equally beneficial to each reſpective country. This is the barometer which infallibly determines its proſperity or declenſion. It is impoſſible to perſuade men to labour and toil, when they are ſure never to be maſters of the fruits of their own induſtry; and every act of violence

violence forcing them to it muſt ſoon defeat its own purpoſe.

An edict has lately appeared to encourage agriculture, by permitting farmers of eſtates to plough up any ground whatever, without regard to the covenants of their reſpective leaſes; and if this be not ſufficient, the Præfect of the Annona, at his diſcretion, may enter upon the lands, and cauſe them to be ſown for account of the Chamber. The tenant may be *ipſo facto* ejected; the landlord muſt be content with the ſame rent he received for paſture lands, and his property lie entirely at the mercy of the Præfect as long as he pleaſes. This ſtrange law needs no comment; if carried into execution, it muſt ſoon cloſe the ſcene of agriculture altogether.

The upper part of the Pope's State, or that towards the Adriatic, comprehending the provinces of the Marca, Umbria, and part of the Legations, are in general tolerably

tolerably well cultivated, and produce a large quantity of corn, pulſe, wine, oil, flax, hemp, ſilk, wool, and cattle of all kinds. The proprietors, however, ſeldom get rich, though they live well; a general inertneſs and poverty prevails among the inferior claſſes; and the lands, upon the whole, are certainly capable of producing treble the quantity of every article above ſpecified.

The inferior parts of the State, toward the Mediterranean, generally denominated the Maremma, preſent a very different picture. Not a twentieth part is in any tolerable ſtate of cultivation; and the whole appears rather like a deſart than an inhabited country; yet the lands in general are exceedingly rich, and ſuperior, perhaps, to any other in Europe.

Beſides the neceſſary operation of an unwiſe policy, equally affecting the whole, it muſt be confeſſed, that in the Maremma there is a particular phyſical cauſe,

cauſe, that even in any other country would always impede the progreſs of agriculture to its poſſible perfection. The unwholeſomeneſs of the air is general, though in different degrees, according to particular ſituations; and it is remarked, that thoſe parts moſt expoſed to the free operation of the north wind are moſt exempted from its pernicious effects. On the contrary, thoſe open to the auſtral winds, are exceedingly ſubject to its fatal operation.

So much has been ſaid and wrote on this ſubject, that it would be difficult to add any thing new. Some opine that the cauſe of this phænomenon may be attributed ſolely to the influence of the auſtral winds; ſome aſcribe it to the immenſe quantity of ſea weed, called *Aliga*, which every ſummer is thrown up by the ſea, all along the Pope's coaſt; others aſſert that it is owing to bogs, and ſtagnated waters; and a fourth claſs imagine

it wholly proceeding from the ſulphureous exhalations of the land itſelf. Theſe opinions are all plauſible, but do not ſeem equally ſolid. Many examples may be produced of other coaſts of the Mediterranean, equally ſubject both to the auſtral winds and to the ſea weed, and yet the air is perfectly wholeſome.

Neither can the bad air be always attributed to bogs and ſtagnated waters, for though theſe certainly do influence the air in all places, eſpecially in hot countries, yet many parts of the *Maremma*, and ſome accounted the moſt peſtiferous, have nothing of this kind within many miles. The moſt probable cauſe ſeems to be the noxious exhalations of the land, which, for want of proper ventilation, ſtagnate in the air, and render it unwholeſome to the human ſpecies, for no other animals are ever affected by it.

Whether this be the ſole cauſe of the bad air, or whether the real one be an aggregate

aggregate of this, with all, or any, of the foregoing hypotheſes, co-operating together, we ſhall not venture to determine. But we are not ſo ſcrupulous with reſpect to ſeveral poſtulata, which cannot be denied, and which, if properly attended to, would certainly, in a great meaſure, if not entirely, remove the evil.

The lakes in general cannot be deemed ſtagnant waters, for they have all their proper exit by rivers running out of them, and are beſides ſo few, and at ſuch great diſtances from each other, that they cannot reaſonably be ſuppoſed to influence the air in any great degree, or in places very diſtant from them. The bogs and ſtagnant waters, may be all very eaſily drained off, which, beſides the recovery and melioration of the land, would undoubtedly render the air more wholeſome. This is totally neglected, nor can the people by any means be perſuaded to attend

tend to this neceſſary branch of agriculture.

The woods, which in many parts ſerved as fences againſt the auſtral winds, and were conſecrated by the ancient Romans, probably for that reaſon, have been almoſt all cut down, to ſupply the French marine with timber; while ſome others, more diſtant from the ſea, have been left ſtanding, and impede the free operation of the northerly winds. Had the former remained, and the latter been cut down, it might have contributed in ſome meaſure to meliorate the air, but at all events the latter ought to be removed.

Immenſe tracts of moſt excellent land are ſuffered to remain covered with low coppice wood, under pretence of its ſerving for cattle to browſe in during the ſummer. Where paſtures are ſo abundant, this is needleſs, and there can be no doubt but ſuch wood muſt impede the free circulation

circulation of the air, prevent the proper current of the waters, and harbour an infinite quantity of reptiles, and other noxious vermin, which may infect the air. The recovery of ſuch fine lands would amply compenſate the expence of clearing them.

All kinds of plantations of mulberry-trees, olives, and other fruit-trees, are ſo ſhamefully neglected, that hardly any ſign of ſuch induſtry can be found in all the Maremma within twenty miles of the ſea, or in all the *Agro Romano* itſelf. We do not inſiſt upon this as abſolutely neceſſary to the melioration of the air, but, if properly attended to, it might ſerve as a concomitant remedy to the evil complained of. It is well known, that the atmoſphere is always agitated in a greater or leſs degree, for if a total ſtagnation were to happen, it muſt terminate all animal life.

When this agitation is ſo trifling as to approximate to ſtagnation, any ſupplemental motion muſt be beneficial. To thoſe who are acquainted with the Maremma in the height of ſummer, this approximation will not ſeem ſtrange. Now it is certain, that trees, planted at proper diſtances, not only attract the air, but greatly accelerate the vibration of the atmoſphere, and ſo far may contribute to the melioration of the air, beſides the immenſe advantages accruing to the planters.

The more frequently lands are ploughed and worked up, the more any noxious particles contained in them muſt evaporate and diſperſe. The method of ploughing all over the Maremma is unpardonably bad. The ploughs are miſerably conſtructed, and the plough-ſhares contrived only to rip open the earth, throwing an equal quantity of it on each ſide, without turning it fairly over. The penetration

netration is not half deep enough, and beſides this, the ſolid land on either ſide, being covered over with the new earth, it is impoſſible to perceive whether the whole has been properly moved.

The conſequence is, that a conſiderable part often remains untouched; and though by the croſs-ploughings, this defect may, in a great meaſure, be remedied, yet the ſame happens in this operation alſo, and at laſt the land is by no means properly prepared for ſowing.

Beſides the loſs of nouriſhment to the ſeed from ſuch ſuperficial ploughing, the noxious particles of the earth, having no ſufficient vent in the winter months, remain in great part to infect the air in the ſummer, and are drawn into action by the extreme force of the ſun. It is alſo the general cuſtom to ſow the ſame land only once in three years, and ſometimes four. In the interval it remains lea, in order, as they imagine, to acquire freſh

vigour. It is not our buſineſs to enter into a minute diſquiſition of the reaſonableneſs of this practice; but if we may credit Tull, Du Hamel, and ſome other modern experimental authors, we muſt conclude that ſo long a repoſe is by no means neceſſary.

They ſeem clearly to have demonſtrated, that the earth being only a vehicle to receive and convey the nutritive particles of the atmoſphere to the plants it has to produce, has no occaſion to remain three or four years untouched. On the contrary, if land be properly ploughed and agitated, it will receive, in the courſe of one year, as much vegetative power as it is capable of.

The leaving lands in the Maremma untouched for ſo long a ſpace of time, is perhaps of no uſe at all towards enriching them; and it ſeems probable, that they would become more fertile, if well ploughed up after the harveſt, in the month of Auguſt,

Auguſt, and again in October, and were ſuffered to lie in that ſituation till the following October, when after another good ploughing they might be ſown again. But at all events, the general practice of letting them lie ſo long dormant, muſt add to the malignity of the air, as well as leaving ſuch an immenſe quantity without any cultivation at all.

As to horticulture, there is no ſuch thing thought of in all the Maremma, within the diſtance above-mentioned from the ſea. No kind of fruit or garden-ſtuff is to be had, and tho' the uſe of them would certainly contribute in great meaſure to correct the morbid influence of the air, yet this branch of cultivation is entirely neglected, and the labouring people are fed with pilchards all the year round.

Notwithſtanding all theſe palpable defects, a Roman agricultor, wrapt up in the idea of his own ſuperior knowledge, deſpiſes all information, and laughs at

every ſuggeſtion of improvment. He conceives the whole art of agriculture to conſiſt in the mere cultivation of corn, in the manner already deſcribed, without any regard to the other multifarious branches of country buſineſs. All ideas of improvement are treated as viſionary, and ſcoffed at by theſe ſelf-ſufficient men.

The farms in general are amazingly large, conſiſting often of ſeven thouſand acres of land, and ſometimes more, let to one man, who, with ſuch an extent of country at his command, ſeldom thinks of improvement, and keeps but few people to manage the buſineſs. The leaſes are for nine years, renewable at the will of the parties; and nothing is thought of but cultivating corn, and breeding cattle, though both in a degree infinitely inferior to what is uſually practiſed in England.

The ſtate of agriculture in any country may be clearly judged of by the price

of

of land. Where this is dear, it follows that the cultivation muſt be great, and *vice verſa.* Now in the Pope's State, ſome of the beſt lands in Europe may be purchaſed in fee for one hundred and twenty crowns per rube, or ſomething leſs than twenty-eight pounds ſterling for ſeven acres.

In Rome, there is a tribunal for judging matters relating to agriculture, within the *Agro Romano.* The judges are four Roman knights, who are changed every ſix months. They are aſſiſted by an advocate, called the aſſeſſor, according to whoſe opinion all diſputes are generally determined.

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CHAP. XXVI.

Of Manufactures.

THE number of holidays obſerved in the Pope's State amounts to nearly one-third of the whole year. However pious the intention might have been, they are generally employed by the lower claſſes of people in drunkenneſs and other vices. The laſſitude and inertneſs conſequent on ſo frequent a repetition, apparently affect, not only the health and morals, but ſoon introduce a fatal averſion from labour.

The number of beggars and vagabonds is accordingly immenſe, and they are but too much encouraged by a miſtaken idea of charity, indiſcriminately feeding vice, and aſſiſting real diſtreſs. Beſides the diſtribution of victuals among common

mon beggars, by the reſpective convents, the ſums of money given among them by well-meaning people, are by no means inconſiderable, and ſerve to ſupport gaming, with every other ſpecies of profligacy.

This may account, perhaps, for the high price of labour, exceeding all proportion of neceſſary maintenance and relative work; for a beggar gets more by following his profeſſion, than he could by any honeſt labour, though paid beyond the rate of manufacturing economy. Hence it is, that few private people chooſe to ſet up manufactories of any kind, clearly foreſeeing that the coſt of their manufactures would exceed the price they could be ſold for.

The few manufactories carried on in the State, are generally by public inſtitutions, under the care and direction of ſome cardinal or prelate, and ſupported by an annual income annexed to them, or by the frequent munificence of the Pope,

and ſometimes by both. The leſs laborious part is performed by boys and girls, ſhut up in different houſes for the purpoſe, and maintained at the expence of the inſtitution; while ſuch parts as require more bodily ſtrength, are executed by men, who are extremely well paid, and moſtly foreigners. Women are uſually employed in houſes of correction, as formerly hinted.

Upon this plan there are ſeveral woollen manufactories eſtabliſhed, as well in Rome as in other parts of the State, but confined chiefly to coarſe goods. They produce, however, ſome good broad cloths, very durable, and tolerably fine, but badly preſſed. They are by no means equal to foreign cloths in neatneſs and luſtre, and coſt ſo much more, that the manufactory muſt always loſe on the ſale.

There is in Rome a conſiderable fabrick of tapeſtry, called of St. Michael,

where all kinds of this manufacture are wrought in great perfection, and even the fineſt pictures copied with the utmoſt preciſion, as well with reſpect to figure as to ſhade and colour. The art, however, is more curious than profitable, and ſupported rather for parade than for emolument or public utility.

Several public manufactories of ſilk are carried on upon the ſame plan, and ſome few by private people. Their wrought ſilks, however, are inferior to thoſe of Florence, both in colour and in ſubſtance, and their ſilk ſtockings very bad and dear. In Bologna, theſe manufactures flouriſh moſt, and their crapes and gauzes are carried over all Europe.

The introduction of foreign tanned leather (excepting that of Ruſſia) is ſtrictly prohibited in Rome and its diſtrict; and there are conſiderable tanneries carried on in Rome, and ſeveral other parts of the State,

State, by private undertakers. This is, perhaps, the moſt flouriſhing manufacture, though their leather is of a poor flimſey quality, and the price dear. In currying, they make uſe of olive, inſtead of fiſh oil, which being of a burning quality, renders their leather leſs pliable, and more apt to crack.

The manufacture of coarſe linen is proſecuted with tolerable ſucceſs in many parts of the State, but the fine linens come all from foreign countries.

While the preſent Pope was treaſurer, he perſuaded the late Pope Ganganelli to ſet up a manufactory of callicoes, at the expence of the Chamber. It has been proſecuted with good ſucceſs, with reſpect to the printing and the colours, but almoſt all the workmen are foreigners. The finer pieces come raw from Germany and other parts, and are only prepared and printed here. The coarſer ſort

are

are fabricated in the State, but as the cotton comes all from abroad, it is much to be doubted whether it be not attended with conſiderable loſs upon the whole.

An immenſe ſum has undoubtedly been ſunk in preparing proper edifices, tools, and machines, and in getting foreign workmen from diſtant parts, which, if employed in encouraging the manufacture of wool, flax, and ſilk, the natural products of the country, would certainly have been more proficuous to the public weal.

The manufacture of felt and fur hats has been attended with ſome ſucceſs, and even the finer ſorts are made in tolerable perfection. They are light, and proper for the climate, but not near ſo durable as thoſe made in England. The making of ſtraw and chip hats is ſhamefully neglected, though the example of Tuſcany

evinces

evinces the great utility of this branch of induſtry.

Iron is wrought here in great quantities, and wire in particular well made. The ore comes all from the iſland of Elba. Steel has hardly been yet thought of, and as to glaſs, none but the moſt ordinary quality is attempted. Glaſs bottles are all imported from abroad, though ſome ſorry flaſks are made in the country, greatly inferior to thoſe of Tuſcany, both in form and ſubſtance.

Upon the whole, though the efforts for introducing manufactures, have been hitherto feeble, and wrongly directed, yet they are certainly increaſed within theſe laſt twenty years. The public inſtitutions, though perhaps intended as examples, are ſo far from tempting private adventurers, that they rather damp the ſpirit of enterprize, by the exemptions they imprudently arrogate from duties on

all

all foreign articles neceſſary for their conſumption, particularly on thoſe for dying. They ſometimes alſo claim a preference in the purchaſe of raw materials, and then private buyers muſt wait till they are ſerved.

CHAP.

CHAP. XXVII.

Of Commerce.

IF among other congregations in Rome there had been one particularly deſtined for the deſtruction of public commerce, and compoſed of the moſt malignant heads for the purpoſe, it is impoſſible they could have contrived a more complete and comprehenſive plan than the laws now exiſtent reſpecting this great branch of polity. Whoever reviews them will find it difficult to conceive they could be the effect of mere chance and miſtake, ſo ſtudiouſly are they adapted to ſuppreſs all induſtry, and permit no kind of commerce but what muſt clearly and evidently produce the ruin of the country.

From what has been already ſaid reſpecting the Annona and the Graſcia, it appears

appears that theſe two inſtitutions muſt greatly damp, if not in time totally extinguiſh, all ſuch induſtry as tends to increaſe the products of the country. The rigorous prohibition of exportation, without the licenſe of the prelate preſiding over theſe departments, completes the plan, and gives the fatal ſtab to liberty of commerce, as well internal as external.

Not only corn and pulſe of all kinds are in this manner prohibited from exportation, but every other product of the country except wool. Every article, not included in the juriſdiction of the Annona and Graſcia, lies at the mercy of the Cardinal-Chamberlain, without whoſe licenſe nothing can be exported. It is exceeding difficult, if not impoſſible, to obtain ſuch licenſe; and even if it ſhould be granted on any particular petition, ſo long a time is taken up in the application, that the opportunity and ſeaſon for exportation are generally loſt.

Wool is the only article that enjoys a free exportation, and is, perhaps, the only one that ſhould be prohibited. The quantity produced in the Pope's State is very great, and the quality excellent; but, for want of manufactories at home, it is every year exported to France and Switzerland, and returns again to Rome in cloths for the uſe of the people.

On the contrary, no foreign article, either of luxury, convenience, or neceſſity, is prohibited from importation. The quantity of foreign manufactures and other merchandize, continually pouring into the country, is immenſe; and as nothing is permitted to be returned in exchange, except wool, the balance muſt of courſe be paid in ready money. This is the great and real cauſe of the extreme ſcarcity of ſpecie deſcribed in the fourth chapter.

In vain are ridiculous edicts frequently publiſhed againſt the exportation of ſpecie.

Foreign

Foreign debts muſt be paid either in goods or money; and the prohibition of the former, with the ſcarcity of the latter, have wrought up all the foreign exchanges to a ruinous pitch againſt the Pope's State.

Thoſe acquainted with commerce well know that credit with foreign nations muſt depend altogether upon the quantity of exports; and that where theſe are deficient, a loſs immediately accrues upon the courſe of exchange. The remitting of bills in this caſe is ſo far from extinguiſhing the debt, that it only transfers it from the remitter to the drawer; and the oftener this operation is repeated, the greater muſt be the loſs. Paper can never pay debts; which muſt always remain in a pernicious and deſtructive ſtate of circulation, till actually compenſated by goods or money.

According to the preſent ſyſtem of government, it is impoſſible this ſhould

ever happen in the Pope's State, where the foreign debts are every day increaſing, and no ſpecie is left to leſſen the weight. This muſt neceſſarily force the courſe of foreign exchanges more than ever, and accelerate the public ruin.

It is impoſſible to ſtate, with any tolerable accuracy, the ſum total of the exports and imports, without examining the accounts of the reſpective cuſtom-houſes, and even to theſe muſt be added the contraband trade. To give ſome notion, however, of the enormity of the imports, we ſhall attempt to ſtate the value of one article only, and that of mere luxury; we mean chocolate, (wherein the Romans mix a conſiderable doſe of cinnnamon) which is become of daily conſumption among all the higher and middling claſſes of people. We ſuppoſe only two hundred thouſand perſons in all the Pope's State to drink one cup of chocolate every day, though nothing

thing is more common than to ſee the ſame perſon drink three or four;—we will ſtate the value of a cup of chocolate at no more than two bajocs and half, (about five farthings) excluſive of the duty and manufacture, and this will amount to five thouſand crowns per day, or one million eight hundred and twenty-five thouſand crowns *per annum*.

Though we do not pretend to preſcribe it, yet there muſt be ſome limit, ſome line, beyond which the preſent ruinous ſyſtem cannot be extended. The evil is at preſent very great, and ſenſibly felt by all ranks of people, whoſe complaints have hitherto failed of rouſing their governors from that ſupineneſs, wherein they affect to repoſe with equal ſecurity and indifference.

CHAP. XXVIII.

General State of Juſtice.

THE method of proceeding, both in civil and criminal matters, has been already deſcribed, and muſt have developed a variety of maxims and defects that immediately ſtrike at the regular and due adminiſtration of juſtice.

The total want of oral evidence, and the privation of croſs-examinations, muſt lead to an infinity of error as well as iniquity. The cuſtom of admitting and proceeding upon anonymous memorials is an inſult to juſtice and common ſenſe, and muſt render the ſtate of ſociety altogether precarious, by ſubjecting both the liberty and property of individuals to the moſt nefarious attacks.

If

If to theſe we add the ignorance, want of principle, and low circumſtances of the auditors ſerving under the reſpective judges, and particularly of the ſubſtitutes and other miniſters of the Chamber, armed alſo with extraordinary power, and aſſuming the moſt intolerable inſolence, we cannot help deploring the miſerable ſituation of a people devoted to ſo ſtrange a government.

The law of evidence is ſo vague and undefined, that no preciſe rules can be deduced from it; nor is the *onus probandi* fixed, as in all other nations, upon the party aſſuming an affirmative propoſition. The proof of negatives is generally inſiſted upon, and the rule of evidence entirely in the determination of the judge, who may inſiſt upon it in any form he pleaſes. It is alſo not unuſual to proceed by way of inquiſition, eſpecially in criminal caſes, and matters contraband; and this method is expreſsly

pointed out in many edicts, with a promiſe of concealing the author of the charge.

To evince the extreme uncertainty of the principles of law, nothing is more common than to ſee the ſame caſe adjudged not only in a different, but oppoſite manner by different judges, and often by the ſame judge on a rehearing. Even the Rota itſelf exhibits inſtances of this, though the facts be all agreed upon, and the queſtion turn merely upon a point of law.

A remarkable example of this has lately happened upon a queſtion of ſucceſſion to ſome conſiderable eſtates, left by the late Marquis Bolognetti, and warmly conteſted between two noble Roman families. The Rota had decided upon the ſame queſtion ſeven or eight different times, and the deciſions were ſo various, that the Pope himſelf has thought proper to interfere, by prohibiting

ing any farther appeal or rehearing from the laſt deciſion.

In criminal caſes one remarkable principle prevails in every tribunal, viz. that robbery, or theft of any kind, is infinitely more atrocious and unpardonable than murder. Accordingly, the murderer is generally deemed intitled to compaſſion, and recommendations in his favour are often received and attended to by the judges. But nobody will apply for clemency to a thief, nor would ſuch application be at all favoured.

Hence it is that in the printed liſts of delinquents ſentenced to the galleys, nothing is more common than to ſee one condemned for ten years, and ſometimes for life, for ſtealing a horſe, or a ſilver utenſil, while another for murder will be condemned for only five years.

The conſequences of this perverſion of human reaſon may be eaſily imagined. There are more murders committed in the Pope's State (particularly in Rome)

than in all the reſt of Europe. Pope Rezzonico, who died in 1769, was ſo remarkable for this kind of compaſſion, that though he reigned but little more than eleven years, the number of murders committed in this period amounted to ten thouſand, whereof full one third happened in the city of Rome.

Beſides this ill-placed lenity to murderers, there is another cauſe which conduces not a little to increaſe the number. The carrying unlawful weapons is ſo ſeverely prohibited, that any perſon found with them about him, though no other offence have been committed, is liable to a confiſcation of his chattels, and to be condemned to the galleys for five years.

Weapons deemed unlawful are ſhort or pocket piſtols, and pointed knives, generally called Genoeſe knives, or ſtillettos. The rigour of this prohibition generally prevents any man of property or character from carrying ſuch dangerous things about

about him, but has no effect at all on the low and profligate, who very ſeldom go out without thoſe knives in their pockets, and readily make uſe of them on the ſlighteſt occaſions. All the ſervants of cardinals, prelates, and the nobility, never fail of being furniſhed with them, wherein they are protected by their maſters, and cannot be ſearched by the *Sbirri*, or miniſters of juſtice. Thus all knaves are armed, and honeſt men left defenceleſs.

Upon the whole, it appears that the ſtate of juſtice in the Pope's dominions, as well in civil as in criminal matters, is truly alarming and deplorable; and to ſhew how little energy the law has when it happens to oppoſe the inclination, or partiality, or ſervility, or knavery of the judges, we ſubjoin the following fact, which happened in Rome in the year 1784.

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ſiderable number of *cedole*, or bank bills, which by the law is a capital crime. Several of them were exhibited to the Governor of Rome, and the forgery clearly traced to the above Eſpinoſa, who being a Spaniard, it was reſolved to proceed with all poſſible complaiſance and decorum. The Governor, therefore, ſent one of his ſubſtitutes with a notary to Eſpinoſa's houſe, where they were very civilly received; but not knowing how to break their buſineſs, Don Miguel himſelf told them that he ſuppoſed they were come to enquire about forged bills. They confeſſed that to be their object, when the honeſt Spaniard opened his bureau, and ſhewed them ſeveral already made, and ſeveral others he had not yet completed, aſking them whether they were not well done. They confeſſed he was an excellent operator, but deſired to know where he got the paper, which muſt have been made on purpoſe, with the marks of the reſpective

reſpective banks. He told them that he had it from Naples, where he had a friend who got it made for him.

They then aſked him whether he would permit them to take ſome away with them, which he readily conſented to, and ſo they parted. Upon comparing theſe with the others already in the Governor's hands, they were found to tally exactly. But Don Miguel was a Spaniard, and what was to be done? The Governor would be cautious, and remembered that he had a cardinal's hat in view. He poſted away therefore to the Secretary of State, Cardinal Pallavicini, opened the affair to his Eminence, and deſired his advice. *Zitto!* (Silence!) ſays the Cardinal—Leave the matter to me, and take no farther thought about it.

The Governor obeyed, and went home rejoicing that he had got rid of ſuch a thorny buſineſs. The good Cardinal haſtened

haſtened away to the Spaniſh Ambaſſador, to whom he unfolded the matter, and Don Miguel was immediately ſent for. He confeſſed forgeries to the amount of five thouſand crowns, (about £1162 ſterling) and declared that he had been waiting ſome years in Rome for promotion; that the Pope had given him nothing; that he had long ago ſpent all his own money, and had no other reſource but forging the bills.

The Cardinal and the Ambaſſador ſtared at each other in aſtoniſhment for ſome moments, but at laſt it was agreed, that the Cardinal ſhould give Don Miguel a penſion of twenty crowns per month, till he was provided with a good benefice, which was to be on the firſt vacancy; and Don Miguel promiſed upon his honour not to forge any more bills, provided the Cardinal kept his word. The Ambaſſador paid the Cardinal the

five thouſand crowns, which he delivered over to the Treaſurer, and the poſſeſſors of the forged bills never got a ſhilling of it.—There is no law in Rome againſt a Spaniard or a Frenchman!

CHAP.

CHAP. XXIX.

Of Nepotiſm.

THE major part of the princely families in Rome, it is well known, were raiſed up by the Popes, who not only ennobled and enriched them, but built moſt enormous and ſumptuous palaces for their reſidence, called by the Romans, St. Peter's miracles.

In former times, when Rome was the general treaſury of Europe, it was an eaſy matter for the Popes to enrich their families without oppreſſing individuals; but for theſe hundred years paſt, the current of money to Rome has been wofully diminiſhed. Accordingly, there has been no modern remarkable example of Nepotiſm, till the preſent reign; and it is but juſtice to admit, that ſeveral of the

Popes

Popes have conſcientiouſly abhorred it, as totally incompatible with their apoſtolical character.

It was reſerved to Pius VI. to throw off all ſhame in proſecuting the aggrandizement of his nephews at the expenſe of individuals, and the general oppreſſion of his ſubjects. This is a heavy charge, but truth obliges us to prove it, becauſe it will be found indiſpenſably neceſſary to the completion of our ſubject.

It has been already ſhewn, that the ſum now brought yearly into Rome from foreign countries, does not go into the Pope's treaſury, and that the income of the Chamber is not ſufficient for the annual expences. If there even were an overplus, and the Pope were to give it to his nephews, they would be obliged to refund it after his death, becauſe he is only a temporary adminiſtrator, and by no means proprietor of the public revenues.

Several examples may be adduced in proof of this doctrine, and of nephews being obliged to refund after their uncle's death. The preſent Pope, therefore, can have nothing of his own to give, except the fees called *Propine*, which are paid him for every document he ſubſcribes for the datary, amounting to only two *Pauls* (about eleven-pence) each.

What a Pope may lawfully ſave, may be calculated from what his predeceſſor Ganganelli left, after five years and five months reign; for all his aſſets, comprehending ſome valuable preſents from foreign princes, amounted to no more than ſeventy thouſand crowns, (or £16,279 ſterling,) which is not much above £3000 *per annum*. Now Ganganelli was a great œconomiſt, and it is well known the preſent Pope's table coſts as much in one week as his did in a month. How comes it to paſs then that the preſent nephews are ſo rich? This brings us to the point.

We

We ſhall ſay nothing of the cardinal nephew, becauſe the principal part of his income is derived from church benefices, and his priory of Malta. But his brother Don Luigi Braſchi, now Duke of Nemi, has already amaſſed an annual income of at leaſt fifty thouſand crowns, (about £11,628 ſterling) independant of the Lepri fortune.

The firſt ſtep to the acquiſition of theſe riches was his marriage with Miſs Falconiori, who brought him but a moderate fortune, (not above four thouſand pounds,) but it was, on this occaſion, intimated that preſents were expected. They accordingly came pouring in, from all the cardinals, Roman princes, and nobility, from prelates, biſhops, farmers of the chamber, and expectants of all claſſes, greatly exceeding any thing of the kind in other countries. They were all ſent to the Pope himſelf, and a large room was ſet apart in his palace to receive them,

where His Holineſs uſed to regale himſelf every day in viewing them, and examining their value. They ſoon amounted, upon a moderate calculation, to one hundred thouſand crowns, which may be eaſily conceived, when we reflect that Cardinal Borromeo's box of diamonds alone amounted to eight thouſand. Thus the whole country was laid under contribution to enrich the Pope's nephew.

The next ſtep was the acquiſition of the Lepri eſtates in the manner already deſcribed, which, though now reprobated as to its legality, by two uniform deciſions of the Rota, was really infamous in every moral and religious point of view. Advantage was taken of the imbecility of an old man, who was perſuaded to rob his moſt innocent, and neareſt relation, a child not above ſeven years of age, the only offspring of his own brother, of her birth-right, and the only expectation ſhe had of future ſupport, merely to enrich a ſtranger

ſtranger to whom he could have no material obligations. If we incline to pardon the debility of the donor, what ſhall we ſay to the moral and religious principles of the donee?—Let us draw a veil over this dark tranſaction.

But all this was not deemed ſufficient for the Braſchi family. Other means muſt be invented to accumulate new ſums to ſo reſpectable a fortune. Don Luigi ſent his emiſſaries into the country to buy up all the oil, in direct violation of the laws, which expreſsly prohibit any individual from monopolizing this neceſſary article. The Preſident of the Graſcia was obliged to buy of him, and raiſe the current price ten *per cent.* upon the conſumer, to put ſo much into the holy nephew's pocket.

This has been practiſed with infallible ſucceſs for ſome years; and beſides this, the trattas, or licenſes for the exportation of corn, are almoſt all ab-

ſorbed by this voracious cormorant, who buys it up at miſerable prices of the country people, and gets immenſe ſums by exporting it. Even ſeveral of the butcheries in Rome belong now to him, who protects them in ſelling beyond the price fixed by authority, to the evident prejudice of all the reſt, and of the public. Yet the holy uncle affects to be totally ignorant of theſe matters, though every time he appears in public, the execrations of the people follow him.

By theſe, and many other ſchemes of a ſimilar nature, Don Luigi has already amaſſed the fortune mentioned above, and if his uncle lives much longer, will probably equal the riches of the Borgheſe family. To all the evils therefore ariſing from a pernicious policy, this new ſcourge muſt now be added to complete the deſolation of this devoted country. But for many years paſt, ſome foreign powers ſeem nibbling at the Pope's State, and nothing

nothing appears requiſite to a complete partition of it, but an agreement between the Houſes of Auſtria and Bourbon. Happy will it be for the afflicted people whenever it happens; and charity obliges us to wiſh the epocha not far diſtant.

CHAP.

CHAP. XXX.

Concluding Reflexions.

THE peculiar infelicity of the papal government, ſo manifeſtly demonſtrated in this work, will naturally prompt a curious enquirer to ſearch for ſome principle in human nature to account for it. Sympathy ſeems to be the genial parent of all the ſofter affections, diſpoſing the ſoul to ſentimental impulſe, ripening them into beneficence, and every ſocial action.

But experience muſt convince us, that ſympathy is not an univerſal concomitant of the human conſtitution; for there are ſome who have never diſcovered the leaſt traces of it, though engaged in ſcenes that muſt have developed it, had it originally been planted in them.

Others poſſeſs ſo ſmall a pittance of it, that though ſome particular incidents may excite a ſympathetic emotion, it ſeldom or never emerges into action.

A third claſs, and, for the happineſs of mankind, we hope the moſt numerous, are all ſympathy itſelf, immediately conſidering themſelves in the circumſtances of their fellow-creatures, and, by a divine inſtinct, extending their balmy hand to every human misfortune.

It would be foreign to the preſent purpoſe to attempt an arrangement of mankind into their reſpective claſſes, and would moſt probably be a taſk equally vain and ridiculous. But it cannot be denied, that there are certain relations and ſituations in life, which, according to univerſal experience, cauſe the ſympathetic feeling to be more or leſs delicate.

All nature proclaims the firſt of theſe relations

relations to be that of parent and child. Here ſympathy erects her throne, and darts her penetrating eye to every poſſible incident. It mollifies the ſavage, and diſarms ferocity itſelf. Its influence may be traced through a variety of gradations, and we may ſafely aſſert, that in general the ſympathetic feeling is more or leſs acute, in proportion to the diſtance from this amiable origin.

But there are certain ſituations and habitudes of life, that render this ſentiment extremely obtuſe, and ſometimes altogether annihilate it. Surgeons are generally remarkable for inſenſibility to the ſufferings of their patients; and lawyers ſeldom give examples of delicacy of ſentiment. For the proof of theſe facts we muſt appeal to experience, and perhaps the want of a more intimate relation may be the principal cauſe.

Now the Roman Catholic clergy being prohibited

prohibited from marrying, are conſequently ſecluded from the great and primary relation above-mentioned. They alſo form a ſeparate body, and have actually different intereſts from the reſt of ſociety. They therefore cannot have the ſame feelings, and being eternally diſjoined from other men, they degenerate into ſelfiſhneſs, and forget all care of others, and of poſterity.

However they may be ſuppoſed to promote the good of ſouls, their want of a proper relation, and their own particular inſulated ſituation, never to be altered, depriving them of ſympathy, muſt generally produce an inſenſibility to the miſery of others. Whether this be a proper ſolution of the phænomenon or not, philoſophers will judge. Facts evince, that prieſts ſo circumſtanced, are by no means qualified to govern in temporal matters. It is pretended that the idea of ſpiritual paternity abundantly ſupplies

plies the abſence of the natural relation; but beſides the contradiction of experience, it is difficult to conceive how a metaphyſical connexion can preponderate againſt the ſtrongeſt propenſities of mankind.

FINIS.